

## Appendix D: Agency Coordination

Texas Parks and Wildlife Department Best Management Practices Form

Texas Parks and Wildlife Department Coordination

Aquatic Resource Relocation Plan

Archeological SHPO/THC/Tribal Coordination

Historic SHPO/THC/Consulting Parties/ACHP

Meeting Minutes

Consulting Party Coordination

SHPO Eligibility Concurrence

ACHP Letter

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Section 6(f) Coordination

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Participating and Cooperating Agency Invitation to Agency Scoping Meeting #2

Participating and Cooperating Agency Invitation to Public Meeting

# Texas Parks and Wildlife Department Best Management Practices Form



**Form**  
**Documentation of Texas Parks and Wildlife Department Best Management Practices**

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Project Name: **Capital Express North (I-35)**

CSJ(s): **0015-13-388**

County(ies): **Travis**

Date Form Completed: **April 4, 2023**

Prepared by: **Melissa Cross (STV, Inc.)**

***Information on state-listed species, SGCN, water resources, and other natural resources can be found in the ECOS documents tab under the filenames specified in the e-mail sent to [WHAB\\_TXDOT@tpwd.texas.gov](mailto:WHAB_TXDOT@tpwd.texas.gov).***

1. Does the project impact any state parks, wildlife management areas, wildlife refuges, or other designated protected areas?

No

Yes

**N/A**

2. Does TxDOT need TPWD assistance in identifying and locating Section 404 mitigation opportunities for this project?

No / N/A / Not yet determined

Yes

**N/A**

3. Is there a species or resource challenge that TPWD can assist with additional guidance? If so, describe below:

**N/A**



4. List all BMP that will be applied to this project per the document *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources*.

**\*Note, these are BMP that TxDOT commits to implement at the time this form is completed. This list may change prior to or during construction based on changes to project impacts, design, etc.**

**BMP to be Implemented:**

General Design and Construction BMPs:

- Apply hydro mulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.
- If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
- Where practical, project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.

Stream Crossing BMPs:

- Use of spanning bridges rather than culverts, where practical.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road,

Invasive Species BMPs:

- For all work in water bodies designated as 'infested' or 'positive' for invasive zebra (*Dreissena polymorpha*) or quagga mussels (*Dreissena bugensis*) on <http://texasinvasives.org/zebramussels/> as well as waters downstream of these lakes, all machinery, equipment, vessels, or vehicles coming in contact with such waters should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the potential spread of invasive mussels
- Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction.
- Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (*Salvinia molesta*), common salvinia (*Salvinia minima*), hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia spp.*), Eurasian watermilfoil (*Myriophyllum spicatum*), water lettuce (*Pistia stratiotes*), and alligator weed (*Alternanthera philoxeroides*) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal.
- Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (*Arundo donax*), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free

hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation.

- Aquatic invasive species (e.g., tilapias (*Oreochromis* spp., *Tilapia zillii*), suckermouth armored catfish (*Hypostomus plecostomus*, *Pterigoplichthys* spp.), Asian clams (*Corbicula fluminea*), zebra mussels (*Dreissena polymorpha*)) or those not native to the subwatershed should not be relocated but rather should be dispatched. Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession.

#### Aquatic Amphibian and Reptile BMPs:

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species: Black-spotted newt (*Notophthalmus meridionalis*), Cascade Caverns salamander (*Eurycea latitans*), Texas salamander (*Eurycea neotenes*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*)
- For projects within existing right-of-way (ROW) when work is in water or will permanently impact a water feature and potential habitat exists for the target species complete the following:
  - Minimize impacts to wetlands, temporary and permanent open water features, including depressions, and riverine habitats.
  - Maintain the existing hydrologic regime and any connections between wetlands and other aquatic features.
  - Use barrier fencing to direct animal movements away from construction activities and areas of potential wildlife-vehicle collisions in construction areas directly adjacent, or that may directly impact, potential habitat for the target species.
  - Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas. If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
  - Project specific locations (PSLs) proposed within state-owned ROW should be located in uplands away from aquatic features.
  - When work is directly adjacent to the water, minimize impacts to shoreline basking sites (e.g., downed trees, sand bars, exposed bedrock) and refugia/overwinter sites (e.g., brush and debris piles, crayfish burrows, aquatic logjams, and leaf packs).
- For projects that require acquisition of additional ROW and work within that new ROW is in water or will permanently impact a water feature, implement BMP for projects within existing ROW above plus those below:
  - For culvert extensions and culvert replacement/installation, incorporate measures to funnel animals toward culverts such as concrete wingwalls and barrier walls with overhangs.
  - When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of terrestrial or aquatic wildlife through the water feature.

#### Bat BMPs:

The following survey and exclusion protocols should be followed prior to commencement of construction activities. For the purposes of this document, structures are defined as bridges, culverts (concrete or metal), wells, and buildings.

- Inform TPWD WHAB during initial collaborative review phase for projects that may impact the following bat species: Any *Myotis* spp. And Tricolored bat (*Perimyotis subflavus*).
- If identification of a bat species is in question, consult with TPWD or a qualified TxDOT biologist during initial collaborative review phase.



- For activities that have the potential to impact structures, cliffs or caves, or trees; a qualified biologist will perform a habitat assessment and occupancy survey of the feature(s) with roost potential as early in the planning process as possible or within one year before project letting.
- For roosts where occupancy is strongly suspected but unconfirmed during the initial survey, revisit feature(s) at most four weeks prior to scheduled disturbance to confirm absence of bats.
- If bats are present or recent signs of occupation (i.e., piles of guano, distinct musky odor, or staining and rub marks at potential entry points) are observed, take appropriate measures to ensure that bats are not harmed, such as implementing non-lethal exclusion activities or timing or phasing of construction.
- Exclusion devices can be installed by a qualified individual between September 1 and March 31. Exclusion devices should be used for a minimum of seven days when minimum nighttime temperatures are above 50°F AND minimum daytime temperatures are above 70°F. Prior to exclusion, ensure that alternate roosting habitat is available in the immediate area. If no suitable roosting habitat is available, installation of alternate roosts is recommended to replace the loss of an occupied roost. If alternate roost sites are not provided, bats may seek shelter in other inappropriate sites, such as buildings, in the surrounding area.
- If feature(s) used by bats are removed as a result of construction, replacement structures should incorporate bat-friendly design or artificial roosts should be constructed to replace these features.
- Conversion of property containing cave or cliff features to transportation purposes should be avoided.
- Avoid unnecessary removal of dead fronds on native and ornamental palm trees in south Texas (Cameron, Hidalgo, Willacy, Kenedy, Brooks, Kleberg, Nueces, and San Patricio counties) from April 1 through October 31. If removal of dead fronds is necessary at other times of the year, limit frond removal to extended warm periods (nighttime temperatures  $\geq$  55°F for at least two consecutive nights), so bats can move away from the disturbance and find new roosts.
- Large hollow trees, snags (dead standing trees), and trees with shaggy bark should be surveyed for colonies and, if found, should not be disturbed until the bats are no longer occupying these features. Post-occupancy surveys should be conducted by a qualified biologist prior to tree removal from the landscape.
- Retain mature, large diameter hardwood forest species and native/ornamental palm trees.
- If gating a cave or abandoned mine is desired, consult with TPWD before installing gates. Gating should only be conducted by qualified groups with a history of successful gating operations. Gate designs must be approved by TPWD.
- In all instances, avoid harm or death to bats. Bats should only be handled as a last resort and after communication with TPWD.
- Coordinate with TPWD about the latest bat handling restrictions and protocols involving COVID19 and bat handling. In general, all staff must follow the guidelines listed below:
  - Do not handle bats if not part of a critical or time-sensitive research project. Contact TPWD to discuss your project needs before beginning work.
  - All participants must follow CDC social-distancing guidelines.
  - Wear a face mask to minimize the exchange of respiratory droplets such as a surgical mask, dust mask, or cloth mask when within 6 feet of a living bat.
  - Use disposable exam gloves or other reusable gloves (e.g., rubber dish-washing gloves) that can be decontaminated to prevent spread of pathogens. Do not touch your face or other potentially contaminated surfaces with your gloves prior to handling bats.
  - Limit handling to as few handlers as possible.
  - Do not blow on bats for any reason.
  - Use separate temporary holding containers for each bat such as disposable paper bags.
  - Caves housing bats should be avoided unless absolutely necessary.
  - Implement additional disinfection, quarantine, and cleaning procedures.
- Bat surveys of structures should include visual inspections of structural fissures (cracked or spalled concrete, damaged or split beams, split or damaged timber railings), crevices

(expansion joints, space between parallel beams, spaces above supports piers), and alternative structures (drainage pipes, bolt cavities, open sections between support beams, swallow nests) for the presence of bats.

- Before excluding bats from any occupied structure, bat species, weather, temperature, season, and geographic location must be incorporated into any exclusion plans to avoid unnecessary harm or death to bats. Winter exclusion must entail a survey to confirm either, 1) bats are absent or 2) present but active (i.e., continuously active – not intermittently active due to arousals from hibernation).
  - Avoid using materials that degrade quickly, like paper, steel wool or rags, to close holes.
  - Avoid using products or making structural modifications that may block natural ventilation, like hanging plastic sheeting over an active roost entrance, thereby altering roost microclimate.
  - Avoid using chemical and ultrasonic repellents.
  - Avoid use of silicone, polyurethane or similar non-water-based caulk products.
  - Avoid use of expandable foam products at occupied sites.
  - Avoid the use of flexible netting attached with duct tape.
- In order to avoid entombing bats, exclusion activities should be only implemented by a qualified individual. A qualified individual or company should possess at least the following minimum qualifications:
  - Experience in bat exclusion (the individual, not just the company).
  - Proof of rabies pre-exposure vaccinations.
  - Demonstrated knowledge of the relevant bat species, including maternity season date range and habitat requirements.
  - Demonstrated knowledge of rabies and histoplasmosis in relation to bat roosts.
- Contact TPWD for additional resources and information to assist in executing successful bat exclusions that will avoid unnecessary harm or death in bats.

Fish BMPs:

- For projects in waters of the state and work is adjacent to water: Water Quality and Stream Crossing BMP.
- For projects in waters of the state and work is in the water: Water Quality, Stream Crossing, and Dewatering BMP.

Terrestrial Reptile BMPs:

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species: Black-spotted newt (*Notophthalmus meridionalis*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*), Dunes sagebrush lizard (*Sceloporus arenicolus*), Tamaulipan spot-tailed earless lizard (*Holbrookia subcaudalis*).
- void or minimize disturbing or removing cover objects, such as downed trees, rotting stumps, brush piles, and leaf litter. If avoidance or minimization is not practicable, consider removing cover objects prior to the start of the project and replace them at project completion.
- Examine heavy equipment stored on site before use, particularly after rain events when reptile and amphibian movements occur more often, to ensure use will not harm individuals that might be seeking temporary refuge.
- Due to increased activity (mating) of reptiles and amphibian during the spring, construction activities like clearing or grading should attempt to be scheduled outside of the spring (March-May) season. Also, timing ground disturbing activities before October when reptiles and amphibians become less active and may be using burrows in the project area is also encouraged.
- When designing roads with curbs, consider using Type I or Type III curbs to provide a gentle slope to enable turtles and small animals to get out of roadways.

- If Texas tortoises (*Gopherus berlandieri*) or box turtles (*Terrepena* spp.) are present in a project area, they should be removed from the area and relocated between 100 and 200 meters from the project area.
- Rolled erosion control mesh material should not be used.
- The exclusion fence should be buried at least 6 inches deep and be at least 24 inches high.
- The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated.

**Vegetation BMPs:**

Minimize the amount of vegetation cleared. Removal of native vegetation, particularly mature native trees and shrubs should be avoided. Impacted vegetation should be replaced with in-kind onsite replacement/restoration of native vegetation.

- To minimize adverse effects, activities should be planned to preserve mature trees, particularly acorn, nut or berry producing varieties. These types of vegetation have high value to wildlife as food and cover.
- It is strongly recommended that trees greater than 12 inches in diameter at breast height (DBH) that are removed be replaced. TPWD's experience indicates that for ecologically effective replacement, a ratio of three trees for every one (3:1) lost should be provided to either on-site or off-site. Trees less than 12 inches DBH should be replaced at a 1:1 ratio.
- Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species.
- When trees are planted, a maintenance plan that ensures at least an 85 percent survival rate after three years should be developed for the replacement trees.
- The use of any non-native vegetation in landscaping and revegetation is discouraged. Locally adapted native species should be used.
- The use of seed mix that contains seeds from only regional ecotype native species is recommended

**Water Quality BMPs:**

In addition to BMP required for a TCEQ Storm Water Pollution Prevention Plan and/or 401 Water Quality Certification:

- Minimize the use of equipment in streams and riparian areas during construction. When possible, equipment access should be from banks, bridge decks, or barges.
- When temporary stream crossings are unavoidable, remove stream crossings once they are no longer needed and stabilize banks and soils around the crossing.
- Wet-Bottomed detention ponds are recommended to benefit wildlife and downstream water quality. Consider potential wildlife-vehicle interactions when siting detention ponds.
- Rubbish found near bridges on TxDOT ROW should be removed and disposed of properly to minimize the risk of pollution. Rubbish does not include brush piles or snags.

**Rare Plant BMPs:**

- Survey project area during appropriate seasons to allow for correct species identification. Habitat and survey seasons are usually during the flowering and/or fruiting period listed on the RTEST website, if available. Surveys should be performed within suitable habitat for the species. Survey effort is project-, species- and habitat-dependent. Botanical field surveys should be conducted by qualified individual(s) with botanical experience and according to commonly accepted survey protocols. Ensure that any equipment, tools, footwear and clothing are clean prior to entering the project site area to avoid introducing invasive species. Prior to surveying, TPWD Staff is available to provide assistance with species identification and appropriate survey effort.
- If SGCN plants are located, the surveyor should attempt to determine the complete extent of the occurrence and the approximate number of individuals within the occurrence. Suitable GPS equipment should be used to map the boundaries of the population. Photographs should be taken and/or voucher specimens should be collected (if sufficient plants are present, i.e., more than 10 reproductive plants). Please note that a state collection permit is required from TPWD





to collect voucher specimens of state-listed species and a federal collection permit is required from U.S. Fish and Wildlife Service (USFWS) to collect federally listed species. Photographs should capture diagnostic characters of the species for verification and should be discussed with TPWD Staff prior to surveys if surveyor is unfamiliar with the species. Vouchers should be deposited with TPWD Staff or in one of Texas' major herbaria (e.g., University of Texas at Austin, Botanical Research Institute of Texas, Texas A&M University, Sul Ross State University, etc.).

- If there is a known TXNDD SGCN plant population within the project area and project timing or other constraints do not allow for surveys, contact TPWD Transportation Staff as soon as possible to discuss other options.
- If an SGCN plant species is located during surveys of the project area, then complete the following during the construction phase:
  - a) Avoid impacts and minimize unavoidable impacts. Plant locations should be protected with temporary barrier fencing and contractors should be instructed to avoid protected areas. Conducting construction outside of the growing season or after a plant has produced mature fruit is the preferred way to avoid/minimize impacts to SGCN plant populations. Staging areas, stockpiles, and other project related sites on TxDOT ROW should not impact SGCN plant populations. After construction begins, minimize herbicide use near SGCN plant populations (if possible, use hand-held spot sprayers, several meters from rare plants, on still or days with little wind).
  - b) If there are unintended impacts to SGCN populations, these impacts should be reported to TPWD Transportation Staff.
  - c) If the project footprint is finalized or is subject to change AND impacts to SGCN plants cannot be avoided, notify TPWD Transportation Staff as soon as possible. Early notification will allow adequate time and opportunity to seed bank or otherwise conserve populations prior to construction.
- Submit observation(s) of SGCN plant populations and associated data to the TXNDD and [WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov). A TXNDD Reporting Form with shapefiles delineating the outer boundary of the population are preferable. Include detailed information on who identified and how a species was identified (resources/references used; diagnostic characters observed). If an SGCN plant population is located near non-native invasive plants, this should be recorded and reported in TXNDD Reporting Form.
- Although these BMP do not apply to federally listed species, the observation of federally listed species should also be submitted to TPWD.
- During project period, conduct work during times of the year when plants are dormant and/or conditions minimize disturbance of the habitat.
- Develop a plan based on growing season, mower height/season, etc. for protecting sites into future. Maps should also be developed for rare plant area, which includes no mow areas. Known rare plant sites on ROWs and/or new sites found in future projects can be added to this map/plan.
- Conducting maintenance outside of the growing season or after a plant has produced mature fruit is the preferred way to avoid/minimize impacts to habitat.

**Aquatic Invertebrate BMPs:**

- For projects within the range of a SGCN or state-listed species and work is adjacent to water: Water Quality and Stream Crossing BMP.
- For projects within the range of a SGCN or state-listed species and work is in the water: Water Quality Stream Crossing, and Dewatering BMP.
- For spring-seep associated caddisflies (*Cheumatopsyche morsei*, *Chimarra holzenthali*, and *Hydroptila ouachita*): Avoid or minimize impacts to the natural riparian buffer along stream channel including native shrubs and trees.

Contractors will be advised of the potential occurrence of SGCN species and to avoid harming the species, if encountered.



5. List all TxDOT species protection specifications that will be applied to this project (e.g., Amphibian and Reptile Exclusion Fence, Bat Houses, etc.)

**Species protection specifications to be Implemented:**

Amphibian and Reptile Exclusion Fences. Swallow nests will be checked before removal to ensure no bats are utilizing the nest as a roosting location.

## Texas Parks and Wildlife Department Coordination

**From:** [WHAB\\_TxDOT](#)  
**To:** [Sonya Hernandez](#); [WHAB\\_TxDOT](#); [Andrew Blair](#); [Tracy White](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#)  
**Cc:** [Suzanne Walsh](#)  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)  
**Date:** Monday, July 11, 2022 4:16:46 PM

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

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 48821. The Habitat Assessment Biologist who will complete your project review is copied on this email.

Thank you,

John Ney  
Administrative Assistant  
Texas Parks & Wildlife Department  
Wildlife Diversity Program - Habitat Assessment Program  
4200 Smith School Road  
Austin, TX 78744  
Office: (512) 389-4571

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**From:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>  
**Sent:** Monday, July 11, 2022 9:31 AM  
**To:** WHAB\_TxDOT <WHAB\_TxDOT@tpwd.texas.gov>  
**Cc:** Andrew Blair <Andrew.Blair@txdot.gov>; Tracy White <Tracy.White@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>  
**Subject:** TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

**ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.**

Good Morning,  
I am sending information on the I-35 Capital Express Central Project in Austin, Travis County, Texas (0015-13-388), from US 290E to SH71 to initiate early coordination.

The proposed project is approximately 8 miles long. Improvements include the removal of the existing I-35 decks from Airport Blvd. to MLK Jr. Blvd., lowering the roadway, and adding two HOV

managed lanes in each direction. One alternative would add direct connectors at I-35/US 290E. The project will also reconstruct east-west cross-street bridges, add shared-use paths (SUP), and make additional safety and mobility improvements within the project limits. More detailed information can be viewed in the WPD screens in ECOS. Please see the basic project information below.

Type of request: Initial collaborative review for an EIS project

CSJ: 0015-13-388

Project name: I-35 Capital Express Central

Project location: I-35 from US 290E to SH71 in Austin, TX and includes a drainage tunnel down Cesar Chavez that outfalls into the Colorado River east of Longhorn Dam

File names for relevant documents in ECOS:

- TPWD\_RTEST\_March2022 (pulled in May 2022)
- USFWS\_IPAC\_April2022 (pulled at the end of April 2022)
- APPROVED\_SpeciesAnalysisSpreadsheet\_2022-06-22.pdf
- APPROVED\_SpeciesAnalysisForm\_2021-11-23.docx
- APPROVED\_BioMaps\_2022-06-22.PDF
- APPROVED\_TPWD\_BMPForm\_2022-06-22.docx
- SurfaceWaterAnalysisForm\_Dec 2021.docx

TxDOT district environmental staff contact information: – Sonya Hernandez - [Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov), Mobile Phone: 512-649-6478, Office Phone: 512-832-7096

Please let me know if you have any questions.

Thanks,

Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

**From:** [Suzanne Walsh](#)  
**To:** [Sonya Hernandez](#)  
**Cc:** [Andrew Blair](#); [Tracy White](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#)  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)  
**Date:** Friday, October 28, 2022 4:18:42 PM

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

Hi Sonya,

TxDOT's 300.04 *Form to Document TPWD BMP* indicates that the district will implement BMP from several categories. TPWD is interested in the specific measures that TxDOT will implement for this project and requests that the district provide the full BMP language (i.e. bulleted list of individual BMP within a category).

TPWD recommends that the district implement the following General Design and Construction BMP:

- Direct animals away from the construction area with the judicious use and placement of sediment control fencing to exclude wildlife. Exclusion fence should be buried at least 6 inches and be at least 24 inches high, maintained for the life of the project, and removed after construction is completed. Contractors should examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities.
- Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.
- If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
- Project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.
- When lighting is added, consider wildlife impacts from light pollution and incorporating dark-sky practices into design strategies. Minimize sky glow by focusing light downward, with full cutoff luminaries to avoid light emitting above the horizontal. The minimum amount of night-time lighting needed for safety and security should be used.

TPWD recommends that the district implement Stream Crossing BMP:

- Use spanning bridges rather than culverts.
- If using a culvert, staggered culverts that concentrate low flows but provide conveyance of higher flows through staggered culverts placed at higher elevations is recommended.
- Bottomless culverts are recommended to allow for fish and other aquatic wildlife passage in the low flow channel. If bottomless culverts are not used, making a low flow channel for fish passage is recommended.
- Avoid placing riprap across stream channels and instead use alternative stabilization such as biotechnical stream bank stabilization methods including live native vegetation or a combination of vegetative and structural materials. When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation.

- Incorporate bat-friendly design into bridges and culverts.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.
- A span wide enough to cross the stream and allow for dry ground and a natural surface path under the roadway is encouraged. For culverts, incorporation of an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife is recommended.
- Riparian buffer zones should remain undisturbed.

TPWD recommends that the district implement Invasive Species BMP:

- For all work in water bodies designated as 'infested' or 'positive' for invasive zebra (*Dreissena polymorpha*) or quagga mussels (*Dreissena bugensis*) on <http://texasinvasives.org/zebramussels/> as well as waters downstream of these lakes, all machinery, equipment, vessels, or vehicles coming in contact with such waters should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the potential spread of invasive mussels.
- Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction.
- Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (*Salvinia molesta*), common salvinia (*Salvinia minima*), hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia* spp.), Eurasian watermilfoil (*Myriophyllum spicatum*), water lettuce (*Pistia stratiotes*), and alligatorweed (*Alternanthera philoxeroides*) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal.
- Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (*Arundo donax*), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation.
- Aquatic invasive species (e.g., tilapias (*Oreochromis* spp., *Tilapia zillii*), suckermouth armored catfish (*Hypostomus plecostomus*, *Pterigoplichthys* spp.), Asian clams (*Corbicula fluminea*), zebra mussels (*Dreissena polymorpha*)) or those not native to the subwatershed should not be relocated but rather should be dispatched. Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession.

Additionally, will TxDOT be performing surveys for SGCN plants in the project area, particularly around Ladybird Lake? Will there be any impacts to parks from the proposed project?

Please let me know if you have any questions.

Thanks,  
Suzanne

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**From:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>  
**Sent:** Wednesday, October 26, 2022 2:44 PM  
**To:** Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>  
**Cc:** Andrew Blair <Andrew.Blair@txdot.gov>; Tracy White <Tracy.White@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

**ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.**

Hi Suzanne,  
I'm just circling back around to see how the review is coming along. Can you let us know when we might get comments from TPWD? Or, if you have any questions or need clarification on anything, please let us know.  
Thanks!  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096

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**From:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>  
**Sent:** Friday, August 19, 2022 4:19 PM  
**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

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



Hi Sonya,

Thanks for the email. I am coordinating internally with other TPWD staff and will let you know if I need additional information or have any questions.

Thanks,  
Suzanne

Suzanne Walsh  
Transportation Conservation Coordinator  
(512) 389-4579

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**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Sent:** Thursday, August 18, 2022 12:50 PM  
**To:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>  
**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

**ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.**

Hi Suzanne,  
I haven't heard anything from you regarding this review so I thought I'd check in and see how things are going. Do you need any additional information from us?  
Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096

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**From:** WHAB\_TxDOT <[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>  
**Sent:** Monday, July 11, 2022 4:17 PM  
**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>; WHAB\_TxDOT

<[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>; Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>

**Cc:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>

**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

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

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 48821. The Habitat Assessment Biologist who will complete your project review is copied on this email.

Thank you,

John Ney  
Administrative Assistant  
Texas Parks & Wildlife Department  
Wildlife Diversity Program – Habitat Assessment Program  
4200 Smith School Road  
Austin, TX 78744  
Office: (512) 389-4571

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Sent:** Monday, July 11, 2022 9:31 AM

**To:** WHAB\_TxDOT <[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>

**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>

**Subject:** TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

**ALERT:** This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Good Morning,

I am sending information on the I-35 Capital Express Central Project in Austin, Travis County, Texas (0015-13-388), from US 290E to SH71 to initiate early coordination.

The proposed project is approximately 8 miles long. Improvements include the removal of the

existing I-35 decks from Airport Blvd. to MLK Jr. Blvd., lowering the roadway, and adding two HOV managed lanes in each direction. One alternative would add direct connectors at I-35/US 290E. The project will also reconstruct east-west cross-street bridges, add shared-use paths (SUP), and make additional safety and mobility improvements within the project limits. More detailed information can be viewed in the WPD screens in ECOS. Please see the basic project information below.

Type of request: Initial collaborative review for an EIS project

CSJ: 0015-13-388

Project name: I-35 Capital Express Central

Project location: I-35 from US 290E to SH71 in Austin, TX and includes a drainage tunnel down Cesar Chavez that outfalls into the Colorado River east of Longhorn Dam

File names for relevant documents in ECOS:

- TPWD\_RTEST\_March2022 (pulled in May 2022)
- USFWS\_IPAC\_April2022 (pulled at the end of April 2022)
- APPROVED\_SpeciesAnalysisSpreadsheet\_2022-06-22.pdf
- APPROVED\_SpeciesAnalysisForm\_2021-11-23.docx
- APPROVED\_BioMaps\_2022-06-22.PDF
- APPROVED\_TPWD\_BMPForm\_2022-06-22.docx
- SurfaceWaterAnalysisForm\_Dec 2021.docx

TxDOT district environmental staff contact information: – Sonya Hernandez - [Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov), Mobile Phone: 512-649-6478, Office Phone: 512-832-7096

Please let me know if you have any questions.

Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

**From:** [Sonya Hernandez](#)  
**To:** [Suzanne Walsh](#)  
**Cc:** [Andrew Blair](#); [Tracy White](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#)  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)  
**Date:** Thursday, December 15, 2022 11:22:17 AM

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Suzanne,

My apologies. I meant to also include our full list of BMPs, as requested. Please see the list below.

Thanks!

Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

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Aquatic Amphibian and Reptile BMPs - Language from BMP agreement (Sept. 2021)

The following Aquatic Amphibian and Reptile BMP apply to projects within the range and in suitable habitat for herpetofauna SGCN listed below and that are also listed on TPWD's RTEST online application. Please note that some species may require both aquatic and terrestrial BMP. It is difficult to confirm absence for most species of amphibians and reptiles; therefore, assume presence in suitable habitat and implement the following BMP.

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species: Black-spotted newt (*Notophthalmus meridionalis*), Cascade Caverns salamander (*Eurycea latitans*), Texas salamander (*Eurycea neotenes*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*)
- For projects within existing right-of-way (ROW) when work is in water or will permanently impact a water feature and potential habitat exists for the target species complete the following:
  - Minimize impacts to wetlands, temporary and permanent open water features, including depressions, and riverine habitats.
  - Maintain the existing hydrologic regime and any connections between wetlands and other aquatic features.
  - Use barrier fencing to direct animal movements away from construction activities and areas of potential wildlife-vehicle collisions in construction areas directly adjacent, or that may directly impact, potential habitat for the target species.

- Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas. If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
- Project specific locations (PSLs) proposed within state-owned ROW should be located in uplands away from aquatic features.
- When work is directly adjacent to the water, minimize impacts to shoreline basking sites (e.g., downed trees, sand bars, exposed bedrock) and refugia/overwinter sites (e.g., brush and debris piles, crayfish burrows, aquatic logjams, and leaf packs).
- For projects that require acquisition of additional ROW and work within that new ROW is in water or will permanently impact a water feature, implement BMP for projects within existing ROW above plus those below:
  - For culvert extensions and culvert replacement/installation, incorporate measures to funnel animals toward culverts such as concrete wingwalls and barrier walls with overhangs.
  - When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of terrestrial or aquatic wildlife through the water feature.

Bat BMPs - Language from BMP agreement (Sept. 2021)

The following Bat BMP apply to projects within the range and in suitable habitat for all bat SGCN and that are also listed on TPWD's RTEST online application. Review the habitat descriptions for species of interest on RTEST and other trusted resources to determine the appropriate beneficial management practice to avoid or minimize impacts to bats. All bat surveys and other activities that include direct contact with bats shall comply with TPWD-recommended white-nose syndrome protocols located on the TPWD Wildlife Habitat Assessment Program website under "Project Design and Construction".

The following survey and exclusion protocols should be followed prior to commencement of construction activities. For the purposes of this document, structures are defined as bridges, culverts (concrete or metal), wells, and buildings.

- Inform TPWD WHAB during initial collaborative review phase for projects that may impact the following bat species: Any *Myotis* spp. And Tricolored bat (*Perimyotis subflavus*).
- If identification of a bat species is in question, consult with TPWD or a qualified TxDOT biologist during initial collaborative review phase.

- For activities that have the potential to impact structures, cliffs or caves, or trees; a qualified biologist will perform a habitat assessment and occupancy survey of the feature(s) with roost potential as early in the planning process as possible or within one year before project letting.
- For roosts where occupancy is strongly suspected but unconfirmed during the initial survey, revisit feature(s) at most four weeks prior to scheduled disturbance to confirm absence of bats.
- If bats are present or recent signs of occupation (i.e., piles of guano, distinct musky odor, or staining and rub marks at potential entry points) are observed, take appropriate measures to ensure that bats are not harmed, such as implementing non-lethal exclusion activities or timing or phasing of construction.
- Exclusion devices can be installed by a qualified individual between September 1 and March 31. Exclusion devices should be used for a minimum of seven days when minimum nighttime temperatures are above 50°F AND minimum daytime temperatures are above 70°F. Prior to exclusion, ensure that alternate roosting habitat is available in the immediate area. If no suitable roosting habitat is available, installation of alternate roosts is recommended to replace the loss of an occupied roost. If alternate roost sites are not provided, bats may seek shelter in other inappropriate sites, such as buildings, in the surrounding area.
- If feature(s) used by bats are removed as a result of construction, replacement structures should incorporate bat-friendly design or artificial roosts should be constructed to replace these features.
- Conversion of property containing cave or cliff features to transportation purposes should be avoided.
- Avoid unnecessary removal of dead fronds on native and ornamental palm trees in south Texas (Cameron, Hidalgo, Willacy, Kenedy, Brooks, Kleberg, Nueces, and San Patricio counties) from April 1 through October 31. If removal of dead fronds is necessary at other times of the year, limit frond removal to extended warm periods (nighttime temperatures  $\geq 55^{\circ}\text{F}$  for at least two consecutive nights), so bats can move away from the disturbance and find new roosts.
- Large hollow trees, snags (dead standing trees), and trees with shaggy bark should be surveyed for colonies and, if found, should not be disturbed until the bats are no longer occupying these features. Post-occupancy surveys should be conducted by a qualified biologist prior to tree removal from the landscape.
- Retain mature, large diameter hardwood forest species and native/ornamental palm trees.
- If gating a cave or abandoned mine is desired, consult with TPWD before installing gates. Gating should only be conducted by qualified groups with a history of successful gating operations. Gate designs must be approved by TPWD.

- In all instances, avoid harm or death to bats. Bats should only be handled as a last resort and after communication with TPWD.
- Coordinate with TPWD about the latest bat handling restrictions and protocols involving COVID19 and bat handling. In general, all staff must follow the guidelines listed below:
  - Do not handle bats if not part of a critical or time-sensitive research project. Contact TPWD to discuss your project needs before beginning work.
  - All participants must follow CDC social-distancing guidelines.
  - Wear a face mask to minimize the exchange of respiratory droplets such as a surgical mask, dust mask, or cloth mask when within 6 feet of a living bat.
  - Use disposable exam gloves or other reusable gloves (e.g., rubber dish-washing gloves) that can be decontaminated to prevent spread of pathogens. Do not touch your face or other potentially contaminated surfaces with your gloves prior to handling bats.
  - Limit handling to as few handlers as possible.
  - Do not blow on bats for any reason.
  - Use separate temporary holding containers for each bat such as disposable paper bags.
  - Caves housing bats should be avoided unless absolutely necessary.
  - Implement additional disinfection, quarantine, and cleaning procedures.
- Bat surveys of structures should include visual inspections of structural fissures (cracked or spalled concrete, damaged or split beams, split or damaged timber railings), crevices (expansion joints, space between parallel beams, spaces above supports piers), and alternative structures (drainage pipes, bolt cavities, open sections between support beams, swallow nests) for the presence of bats.
- Before excluding bats from any occupied structure, bat species, weather, temperature, season, and geographic location must be incorporated into any exclusion plans to avoid unnecessary harm or death to bats. Winter exclusion must entail a survey to confirm either, 1) bats are absent or 2) present but active (i.e., continuously active – not intermittently active due to arousals from hibernation).
  - Avoid using materials that degrade quickly, like paper, steel wool or rags, to close holes.
  - Avoid using products or making structural modifications that may block natural ventilation, like hanging plastic sheeting over an active roost entrance, thereby altering roost microclimate.

- Avoid using chemical and ultrasonic repellents.
- Avoid use of silicone, polyurethane or similar non-water-based caulk products.
- Avoid use of expandable foam products at occupied sites.
- Avoid the use of flexible netting attached with duct tape.
- In order to avoid entombing bats, exclusion activities should be only implemented by a qualified individual. A qualified individual or company should possess at least the following minimum qualifications:
  - Experience in bat exclusion (the individual, not just the company).
  - Proof of rabies pre-exposure vaccinations.
  - Demonstrated knowledge of the relevant bat species, including maternity season date range and habitat requirements.
  - Demonstrated knowledge of rabies and histoplasmosis in relation to bat roosts.
- Contact TPWD for additional resources and information to assist in executing successful bat exclusions that will avoid unnecessary harm or death in bats.

Fish BMPs - Language from BMP agreement (Sept. 2021)

The following Fish BMP apply to projects for all fish species in waters of the state to minimize impacts to water quality and aquatic passage from transportation projects.

- For projects in waters of the state and work is adjacent to water: Water Quality and Stream Crossing BMP.
- For projects in waters of the state and work is in the water: Water Quality, Stream Crossing, and Dewatering BMP.

Terrestrial Amphibian and Reptile BMPs - Language from BMP agreement (Sept. 2021)

The following Terrestrial Amphibian and Reptile BMP apply to projects within the range and in suitable habitat for herpetofauna SGCN listed below and that are also listed on TPWD's RTEST online application. Please note that some species may require both aquatic and terrestrial BMP. It is difficult to confirm absence for most species of amphibians and reptiles; therefore, assume presence in suitable habitat and implement the following BMP.

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species: Black-spotted newt (*Notophthalmus meridionalis*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*), Dunes sagebrush lizard (*Sceloporus arenicolus*), Tamaulipan spot-tailed earless lizard (*Holbrookia subcaudalis*).
- Avoid or minimize disturbing or removing cover objects, such as downed trees,



rotting stumps, brush piles, and leaf litter. If avoidance or minimization is not practicable, consider removing cover objects prior to the start of the project and replace them at project completion.

- Examine heavy equipment stored on site before use, particularly after rain events when reptile and amphibian movements occur more often, to ensure use will not harm individuals that might be seeking temporary refuge.
- Due to increased activity (mating) of reptiles and amphibian during the spring, construction activities like clearing or grading should attempt to be scheduled outside of the spring (March-May) season. Also, timing ground disturbing activities before October when reptiles and amphibians become less active and may be using burrows in the project area is also encouraged.
- When designing roads with curbs, consider using Type I or Type III curbs to provide a gentle slope to enable turtles and small animals to get out of roadways.
- If Texas tortoises (*Gopherus berlandieri*) or box turtles (*Terrepenes* spp.) are present in a project area, they should be removed from the area and relocated between 100 and 200 meters from the project area.
- Rolled erosion control mesh material should not be used.
- The exclusion fence should be buried at least 6 inches deep and be at least 24 inches high.
- The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated

Vegetation BMPs - Language from BMP agreement (Sept. 2021)

Minimize the amount of vegetation cleared. Removal of native vegetation, particularly mature native trees and shrubs should be avoided. Impacted vegetation should be replaced with in-kind onsite replacement/restoration of native vegetation.

- To minimize adverse effects, activities should be planned to preserve mature trees, particularly acorn, nut or berry producing varieties. These types of vegetation have high value to wildlife as food and cover.
- It is strongly recommended that trees greater than 12 inches in diameter at breast height (DBH) that are removed be replaced. TPWD's experience indicates that for ecologically effective replacement, a ratio of three trees for every one (3:1) lost should be provided to either on-site or off-site. Trees less than 12 inches DBH should be replaced at a 1:1 ratio.
- Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species.
- When trees are planted, a maintenance plan that ensures at least an 85 percent

survival rate after three years should be developed for the replacement trees.

- The use of any non-native vegetation in landscaping and revegetation is discouraged. Locally adapted native species should be used.
- The use of seed mix that contains seeds from only regional ecotype native species is recommended

Water Quality BMPs - Language from BMP agreement (Sept. 2021)

In addition to BMP required for a TCEQ Storm Water Pollution Prevention Plan and/or 401 Water Quality Certification:

- Minimize the use of equipment in streams and riparian areas during construction. When possible, equipment access should be from banks, bridge decks, or barges.
- When temporary stream crossings are unavoidable, remove stream crossings once they are no longer needed and stabilize banks and soils around the crossing.
- Wet-Bottomed detention ponds are recommended to benefit wildlife and downstream water quality. Consider potential wildlife-vehicle interactions when siting detention ponds.
- Rubbish found near bridges on TxDOT ROW should be removed and disposed of properly to minimize the risk of pollution. Rubbish does not include brush piles or snags.

Rare Plant BMPs - Language from BMP agreement (Sept. 2021)

The following plant BMP apply to projects within range of and in suitable habitat for all plant SGCN that are listed on TPWD's RTEST online application.

- Survey project area during appropriate seasons to allow for correct species identification. Habitat and survey seasons are usually during the flowering and/or fruiting period listed on the RTEST website, if available. Surveys should be performed within suitable habitat for the species. Survey effort is project-, species- and habitat-dependent. Botanical field surveys should be conducted by qualified individual(s) with botanical experience and according to commonly accepted survey protocols. Ensure that any equipment, tools, footwear and clothing are clean prior to entering the project site area to avoid introducing invasive species. Prior to surveying, TPWD Staff is available to provide assistance with species identification and appropriate survey effort.
- If SGCN plants are located, the surveyor should attempt to determine the complete extent of the occurrence and the approximate number of individuals within the occurrence. Suitable GPS equipment should be used to map the boundaries of the population. Photographs should be taken and/or voucher specimens should be collected (if sufficient plants are present, i.e., more than 10 reproductive plants). Please note that a state collection permit is required from TPWD to collect voucher specimens of state-listed species and a federal collection permit is required from U.S. Fish and Wildlife Service (USFWS) to collect federally listed species. Photographs should capture diagnostic characters of the species for verification and should be discussed with TPWD Staff prior to surveys if surveyor is unfamiliar with the species. Vouchers should be

deposited with TPWD Staff or in one of Texas' major herbaria (e.g., University of Texas at Austin, Botanical Research Institute of Texas, Texas A&M University, Sul Ross State University, etc.).

- If there is a known TXNDD SGCN plant population within the project area and project timing or other constraints do not allow for surveys, contact TPWD Transportation Staff as soon as possible to discuss other options.
- If an SGCN plant species is located during surveys of the project area, then complete the following during the construction phase:
  - a. Avoid impacts and minimize unavoidable impacts. Plant locations should be protected with temporary barrier fencing and contractors should be instructed to avoid protected areas. Conducting construction outside of the growing season or after a plant has produced mature fruit is the preferred way to avoid/minimize impacts to SGCN plant populations. Staging areas, stockpiles, and other project related sites on TxDOT ROW should not impact SGCN plant populations. After construction begins, minimize herbicide use near SGCN plant populations (if possible, use hand-held spot sprayers, several meters from rare plants, on still or days with little wind).
  - b. If there are unintended impacts to SGCN populations, these impacts should be reported to TPWD Transportation Staff.
  - c. If the project footprint is finalized or is subject to change AND impacts to SGCN plants cannot be avoided, notify TPWD Transportation Staff as soon as possible. Early notification will allow adequate time and opportunity to seed bank or otherwise conserve populations prior to construction.
- Submit observation(s) of SGCN plant populations and associated data to the TXNDD and [WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov). A TXNDD Reporting Form with shapefiles delineating the outer boundary of the population are preferable. Include detailed information on who identified and how a species was identified (resources/references used; diagnostic characters observed). If an SGCN plant population is located near non-native invasive plants, this should be recorded and reported in TXNDD Reporting Form.
- Although these BMP do not apply to federally listed species, the observation of federally listed species should also be submitted to TPWD.
- During project period, conduct work during times of the year when plants are dormant and/or
- conditions minimize disturbance of the habitat.
- Develop a plan based on growing season, mower height/season, etc. for protecting sites into future. Maps should also be developed for rare plant area, which includes no mow areas. Known rare plant sites on ROWs and/or new sites found in future projects can be added to this map/plan.

- Conducting maintenance outside of the growing season or after a plant has produced mature fruit is the preferred way to avoid/minimize impacts to habitat.

Aquatic Invertebrate BMPs - Language from BMP agreement (Sept. 2021)

The following Aquatic Invertebrate BMP apply to projects within the range and in suitable habitat for all aquatic invertebrate SGCN and that are also listed on TPWD's RTEST online application.

- For projects within the range of a SGCN or state-listed species and work is adjacent to water: Water Quality and Stream Crossing BMP.
- For projects within the range of a SGCN or state-listed species and work is in the water: Water
- Quality, Stream Crossing, and Dewatering BMP.
- For spring-seep associated caddisflies (Cheumatopsyche morsei, Chimarra holzenthali, and Hydroptila ouachita): Avoid or minimize impacts to the natural riparian buffer along stream channel including native shrubs and trees.

Contractors will be advised of the potential occurrence of SGCN species and to avoid harming the species, if encountered.

---

**From:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>

**Sent:** Thursday, December 15, 2022 10:14 AM

**To:** Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>

**Cc:** Andrew Blair <Andrew.Blair@txdot.gov>; Tracy White <Tracy.White@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>

**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

Hi Suzanne,

Thank you for providing TPWD's comments and recommendations through the coordination process for this project. I have included TPWD's comments below and TxDOT's responses in **Blue Text**.

Sincerely,

Sonya

Sonya Y. Hernandez, P.G.

Environmental Program Manager

Austin District

Texas Department of Transportation

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

TxDOT's 300.04 *Form to Document TPWD BMP* indicates that the district will implement BMP from several categories. TPWD is interested in the specific measures that TxDOT will implement for this project and requests that the district provide the full BMP language (i.e. bulleted list of individual BMP within a category).

*TxDOT Response: The full BMP language for the BMPs that TxDOT is planning to implement (from TxDOT's 300.04 Form to Document TPWD BMP) are included in the subsequent pages.*

TPWD recommends that the district implement the following General Design and Construction BMP:

- Direct animals away from the construction area with the judicious use and placement of sediment control fencing to exclude wildlife. Exclusion fence should be buried at least 6 inches and be at least 24 inches high, maintained for the life of the project, and removed after construction is completed. Contractors should examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities.
- Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.
- If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
- Project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.
- When lighting is added, consider wildlife impacts from light pollution and incorporating dark-sky practices into design strategies. Minimize sky glow by focusing light downward, with full cutoff luminaries to avoid light emitting above the horizontal. The minimum amount of night-time lighting needed for safety and security should be used.

*TxDOT Response:*

*Of the General Design and Construction BMP recommended by TPWD, TxDOT will implement the following:*

- *Apply hydro mulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.*
- *If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.*
- *Where practical, project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.*

*TxDOT's general comments:*

- *Sediment control fencing will be utilized during construction for erosion control, but not as an intentional means of excluding wildlife.*

The lighting plan for this project has not been developed at this point. The primary purpose of the lighting on I-35 is to illuminate the highway. The lighting will include lights focused downward toward the highway, with full cutoff luminaries.

TPWD recommends that the district implement Stream Crossing BMP:

- Use spanning bridges rather than culverts.
- If using a culvert, staggered culverts that concentrate low flows but provide conveyance of higher flows through staggered culverts placed at higher elevations is recommended.
- Bottomless culverts are recommended to allow for fish and other aquatic wildlife passage in the low flow channel. If bottomless culverts are not used, making a low flow channel for fish passage is recommended.
- Avoid placing riprap across stream channels and instead use alternative stabilization such as biotechnical stream bank stabilization methods including live native vegetation or a combination of vegetative and structural materials. When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation.
- Incorporate bat-friendly design into bridges and culverts.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.
- A span wide enough to cross the stream and allow for dry ground and a natural surface path under the roadway is encouraged. For culverts, incorporation of an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife is recommended.
- Riparian buffer zones should remain undisturbed.

TxDOT Response:

Of the Stream Crossing BMP recommended by TPWD, TxDOT will implement the following:

- Use spanning bridges rather than culverts, where practical.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.

TxDOT's general comments:

- There are no perennial streams within the project limits and therefore fish passage was not a design consideration.
- TxDOT does not have any plans to do rip-rap bank stabilization on this project.
- TxDOT observed swallow nests but did not find any evidence of bats under bridges during the site visits. Habitat for the cave myotis bat (no known colony, possible habitat where swallow nests were observed on bridge over Lady Bird Lake) is disclosed in the Draft EIS. TxDOT and the City of Austin are evaluating the feasibility of adding bat boxes the proposed I-35 bridge over Lady Bird Lake.
- Due to the urban setting and their extensive length, the culverts within the project's limits are not suitable for wildlife passage for most wildlife species.

TPWD recommends that the district implement Invasive Species BMP:

- For all work in water bodies designated as 'infested' or 'positive' for invasive zebra (*Dreissena polymorpha*) or quagga mussels (*Dreissena bugensis*) on <http://texasinvasives.org/zebramussels/> as well as waters downstream of these lakes, all machinery, equipment, vessels, or vehicles coming in contact with such waters should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the

potential spread of invasive mussels.

- Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction.
- Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (*Salvinia molesta*), common salvinia (*Salvinia minima*), hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia* spp.), Eurasian watermilfoil (*Myriophyllum spicatum*), water lettuce (*Pistia stratiotes*), and alligatorweed (*Alternanthera philoxeroides*) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal.
- Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (*Arundo donax*), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation.
- Aquatic invasive species (e.g., tilapias (*Oreochromis* spp., *Tilapia zillii*), suckermouth armored catfish (*Hypostomus plecostomus*, *Pterigoplichthys* spp.), Asian clams (*Corbicula fluminea*), zebra mussels (*Dreissena polymorpha*)) or those not native to the subwatershed should not be relocated but rather should be dispatched. Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession.

*TxDOT Response: We agree to implement these invasive species BMPs.*

Additionally, will TxDOT be performing surveys for SGCN plants in the project area, particularly around Ladybird Lake?

*TxDOT Response: TxDOT will make an effort to look for these rare plant species as we continue fieldwork for this project. We will submit any new records to TxNDD.*

Will there be any impacts to parks from the proposed project?

*TxDOT Response: Yes, TxDOT anticipates permanent acquisition of parkland at Waller Beach (I-35/Lady Bird Lake - NW corner) and temporary easements at Edward Rendon Sr. Metro Park (I-35/Lady Bird Lake - NE corner), Norwood Tract (I-35/Lady Bird Lake - SW corner) and the Ann and Roy Butler Hike and Bike Easement (I-35/Lady Bird Lake - SE corner). TxDOT has been coordinating with the City of Austin and TPWD (Amy Grossman) on the potential impacts to parkland.*

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**From:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>

**Sent:** Friday, October 28, 2022 4:19 PM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>

**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

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

Hi Sonya,

TxDOT's 300.04 *Form to Document TPWD BMP* indicates that the district will implement BMP from several categories. TPWD is interested in the specific measures that TxDOT will implement for this project and requests that the district provide the full BMP language (i.e. bulleted list of individual BMP within a category).

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combination of vegetative and structural materials. When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation.

- Incorporate bat-friendly design into bridges and culverts.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.
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Additionally, will TxDOT be performing surveys for SGCN plants in the project area, particularly around Ladybird Lake? Will there be any impacts to parks from the proposed project?

Please let me know if you have any questions.

Thanks,  
Suzanne

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**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Sent:** Wednesday, October 26, 2022 2:44 PM  
**To:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>  
**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

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Hi Suzanne,  
I'm just circling back around to see how the review is coming along. Can you let us know when we might get comments from TPWD? Or, if you have any questions or need clarification on anything, please let us know.  
Thanks!  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096

---

**From:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>  
**Sent:** Friday, August 19, 2022 4:19 PM  
**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)



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Hi Sonya,

Thanks for the email. I am coordinating internally with other TPWD staff and will let you know if I need additional information or have any questions.

Thanks,  
Suzanne

Suzanne Walsh  
Transportation Conservation Coordinator  
(512) 389-4579

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**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Sent:** Thursday, August 18, 2022 12:50 PM  
**To:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>  
**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

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Hi Suzanne,  
I haven't heard anything from you regarding this review so I thought I'd check in and see how things are going. Do you need any additional information from us?  
Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096

---

**From:** WHAB\_TxDOT <[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>

**Sent:** Monday, July 11, 2022 4:17 PM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>; WHAB\_TxDOT <[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>; Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>

**Cc:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>

**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

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

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 48821. The Habitat Assessment Biologist who will complete your project review is copied on this email.

Thank you,

John Ney

Administrative Assistant

Texas Parks & Wildlife Department

Wildlife Diversity Program – Habitat Assessment Program

4200 Smith School Road

Austin, TX 78744

Office: (512) 389-4571

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Sent:** Monday, July 11, 2022 9:31 AM

**To:** WHAB\_TxDOT <[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>

**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>

**Subject:** TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

**ALERT:** This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Good Morning,

I am sending information on the I-35 Capital Express Central Project in Austin, Travis County, Texas

(0015-13-388), from US 290E to SH71 to initiate early coordination.

The proposed project is approximately 8 miles long. Improvements include the removal of the existing I-35 decks from Airport Blvd. to MLK Jr. Blvd., lowering the roadway, and adding two HOV managed lanes in each direction. One alternative would add direct connectors at I-35/US 290E. The project will also reconstruct east-west cross-street bridges, add shared-use paths (SUP), and make additional safety and mobility improvements within the project limits. More detailed information can be viewed in the WPD screens in ECOS. Please see the basic project information below.

Type of request: Initial collaborative review for an EIS project

CSJ: 0015-13-388

Project name: I-35 Capital Express Central

Project location: I-35 from US 290E to SH71 in Austin, TX and includes a drainage tunnel down Cesar Chavez that outfalls into the Colorado River east of Longhorn Dam

File names for relevant documents in ECOS:

- TPWD\_RTEST\_March2022 (pulled in May 2022)
- USFWS\_IPAC\_April2022 (pulled at the end of April 2022)
- APPROVED\_SpeciesAnalysisSpreadsheet\_2022-06-22.pdf
- APPROVED\_SpeciesAnalysisForm\_2021-11-23.docx
- APPROVED\_BioMaps\_2022-06-22.PDF
- APPROVED\_TPWD\_BMPForm\_2022-06-22.docx
- SurfaceWaterAnalysisForm\_Dec 2021.docx

TxDOT district environmental staff contact information: – Sonya Hernandez -  
[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov), Mobile Phone: 512-649-6478, Office Phone: 512-832-7096

Please let me know if you have any questions.

Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096



Life's better outside.®

February 10, 2023

Ms. Sonya Hernandez  
Environmental Program Manager  
Texas Department of Transportation  
7901 North I-35  
Austin, Texas 78753

RE: Draft Environmental Impact Statement for I-35 Capital Express Central from US 290 East to US 290 West/SH 71, Travis County, Texas (CSJ: 0015-13-388)

Dear Ms. Hernandez:

Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Environmental Impact Statement (DEIS) upon TxDOT's Notice of Availability of DEIS received by our office on December 29, 2022, regarding the above-referenced transportation project.

TPWD, as the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code (PWC) section 12.011, hereby provides the following comments and recommendations to minimize adverse impacts to natural resources. Please reference TPWD project number 49831 in any return correspondence on this project.

**Project Description**

The proposed project is approximately 8 miles in length. The existing I-35 decks would be removed, the roadway would be lowered, and two high-occupancy vehicle managed lanes in each direction will be added along I-35. The east-west-cross street bridges will be reconstructed, pedestrian and bicycle paths will be added, and additional safety and mobility improvements will be made within the project limits.

Section 2.2 (page 23) of the DEIS included the following "Descriptions of Reasonable Alternatives and the No-Build Alternative" that are carried forward for the proposed project, including Build Alternative 2 and Modified Build 13 Alternative 3". *"Both build alternatives would add two HOV managed lanes in each direction, remove the upper decks on I-35 between Airport Boulevard and MLK Jr. Boulevard, and lower I-35 through downtown between MLK Jr. Boulevard and Holly Street. Because Texas is currently in a non-tolled environment under the 2023 Unified Transportation Plan (UTP) (TxDOT, 2022a), the current project is considering HOV/two or more (2+) occupants for the managed 26 lanes, which meets the eligibility requirement for this project. HOV lanes provide a more equitable transportation option than managed express/toll lanes, which require dynamic pricing to be effective".*

Commissioners

Arch "Beaver" Aplin, III  
Chairman  
Lake Jackson

Dick Scott  
Vice-Chairman  
Wimberley

James E. Abell  
Kilgore

Oliver J. Bell  
Cleveland

Paul L. Foster  
El Paso

Anna B. Galo  
Laredo

Jeffery D. Hildebrand  
Houston

Robert L. "Bobby" Patton, Jr.  
Fort Worth

Travis B. "Blake" Rowling  
Dallas

Lee M. Bass  
Chairman-Emeritus  
Fort Worth

T. Dan Friedkin  
Chairman-Emeritus  
Houston

David Yoskowitz, Ph.D.  
Executive Director

Ms. Sonya Hernandez

Page 2 of 5

February 10, 2023

*“Both build alternatives would also include reconstructing the bridge across Lady Bird Lake; improving bicycle and pedestrian paths; accommodating current and future CapMetro routes; and on-site and off-site drainage facilities. TxDOT is including several elements of the community concepts described in Section 2.1 in both build alternatives. Additionally, both build alternatives are being evaluated for their ability to accommodate locally funded enhancements, which could include deck plazas (also referred to as caps). Locally-funded enhancements 35 are being developed and steered by the Our Future 35: Cap and Stitch Program (Our Future 35), an independent 36 project to be funded by others. Our Future 35 leverages the opportunity presented by the Capital Express Central Project to provide benefits to the Austin community through a series of public spaces (deck plazas) and widened crossings (stitches) using TxDOT’s highway lanes through downtown Austin (proposed to be below street level”).*

### **Proposed Alternative in DEIS**

The DEIS states that the Modified Build Alternative 3 is the Preferred Alternative recommended by TxDOT for the proposed project. TxDOT’s selection of an Alternative will be given in a combined Final Environmental Impact Statement (FEIS) and Record of Decision (ROD).

### **Previous Coordination**

After attending an Agency Scoping Meeting on November 12, 2020, TPWD provided recommendations for natural resource information, issues, or concerns on December 22, 2020, for this proposed project. TxDOT submitted a request for initial collaborative review on July 11, 2022, under the 2021 Memorandum of Understanding (MOU) and provided early environmental documents for review. TPWD provided additional recommendations to minimize adverse impacts to natural resources on October 28, 2022, and TxDOT provided responses to TPWD’s recommendations on December 15, 2022.

**Recommendation:** TPWD recommends that Appendix D for Agency Coordination (page 13) should include this letter with an attachment of TPWD’s recommendations during the scoping period and TxDOT’s comments to TPWD’s recommendations to document all correspondence on this proposed project.

### **Comments on the DEIS**

Appendix D of the DEIS (pages 3-4) includes TxDOT’s Form “Documentation of Texas Parks and Wildlife Department Best Management Practices” that provided only the general category of BMP for the proposed project submitted during initial collaborative review. During this review, TPWD requested the specific measures that TxDOT would implement for the proposed project. TxDOT provided the BMP language and agreed to additional General Design and Construction BMP and

Stream Crossing BMP, as well as all Invasive Species BMP as outlined in TPWD's *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources (Version September 17, 2021)*. TPWD notes that Section 3.11.12 of the DEIS (pages 301-302) does not include those additional BMP agreed upon in the list of measures to minimize impacts to natural resources for the Preferred Alternative.

**Recommendation:** TPWD recommends that TxDOT's Form "*Documentation of Texas Parks and Wildlife Department Best Management Practices*" in Appendix D for Agency Coordination should be updated to list the full language of all individual BMP within a given category and also document the additional measures agreed to during initial collaborative review.

**Recommendation:** TPWD notes that Section 3.17.5.2 (page 418) of the DEIS includes the implementation of *all* the General Design and Construction BMP as outlined in TPWD's *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources (Version September 17, 2021)*. TPWD recommends updating the DEIS to list the General Design and Construction BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for General Design and Construction BMP to TxDOT's Form "*Documentation of Texas Parks and Wildlife Department Best Management Practices*" in Appendix D for Agency Coordination.

**Recommendation:** TPWD recommends updating the DEIS to list the Stream Crossing BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for these Stream Crossing BMP to TxDOT's Form "*Documentation of Texas Parks and Wildlife Department Best Management Practices*" in Appendix D for Agency Coordination, including:

- Use spanning bridges rather than culverts, where practical.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.

**Recommendation:** TPWD recommends updating the DEIS to list the Invasive Species BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for the Invasive Species BMP to TxDOT's Form "*Documentation of Texas Parks and Wildlife Department Best Management Practices*" in Appendix D for Agency Coordination, including:

- For all work in water bodies designated as 'infested' or 'positive' for invasive zebra (*Dreissena polymorpha*) or quagga mussels (*Dreissena bugensis*) on <http://texasinvasives.org/zebramussels/> as well as waters downstream of these lakes, all machinery, equipment, vessels, or



vehicles coming in contact with such waters should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the potential spread of invasive mussels.

- Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction.
- Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (*Salvinia molesta*), common salvinia (*Salvinia minima*), hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia* spp.), Eurasian watermilfoil (*Myriophyllum spicatum*), water lettuce (*Pistia stratiotes*), and alligatorweed (*Alternanthera philoxeroides*) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal.
- Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (*Arundo donax*), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation.
- Aquatic invasive species (e.g., tilapias (*Oreochromis* spp., *Tilapia zillii*), suckermouth armored catfish (*Hypostomus plecostomus*, *Pterigoplichthys* spp.), Asian clams (*Corbicula fluminea*), zebra mussels (*Dreissena polymorpha*)) or those not native to the subwatershed should not be relocated but rather should be dispatched. Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession.

### Water Resources

All waterways and associated floodplains, riparian corridors, and lakes, regardless of their jurisdictional status, provide valuable wildlife habitat and should be protected to the maximum extent practicable. Natural buffers contiguous to any aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. Destruction of inert microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms should also be avoided, as these provide habitat for a variety of fish and wildlife species and their food sources.

Section 3.10 of the DEIS (page 286) states “*Compensatory mitigation for the loss of streambed in the Colorado River is anticipated to be required for the proposed build alternatives;*” however, TPWD notes that Section 3.25 of the DEIS (page 428) does not list mitigation for stream impacts with the other project benefits and proposed mitigation for the Preferred Alternative.

**Recommendation:** TPWD recommends that compensatory mitigation for impacts to Waters of the U.S. should be listed in all necessary sections. Additionally, TPWD recommends compensatory mitigation for all losses of Waters of the U.S. due to unavoidable impacts from the project, including non-notification Nationwide Permits.

There are several large drainage structures planned as part of this proposed project, including outfalls to Waters of the U.S. These large flows can reach erosive velocities that negatively impact receiving waters, plants, and wildlife downstream. The location of the outfall in a side channel of the Colorado River may be vulnerable to erosion.

**Recommendation:** TPWD recommends the placement of energy dissipators to reduce water velocity to minimize erosion in the project area.

TPWD appreciates the opportunity to provide comments and recommendations for the DEIS of this project. If you have any questions, please contact me at (512) 389-4579 or [Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov).

Sincerely,



Suzanne Walsh  
Ecological and Environmental Planning Program  
Wildlife Division

SCW:49831  
Attachments (2)

## Suzanne Walsh

---

**From:** Suzanne Walsh  
**Sent:** Tuesday, December 22, 2020 4:56 PM  
**To:** Tricia Bruck-Hoyt-C  
**Subject:** RE: TXDOT EIS Participating Agency - I-35 from US 290 E to US 290W/SH71

Tricia,

This email is in response to your request for agency information, issues, or concerns about the proposed I-35 Capital Express Central Project from US 290 East to US 290 West/SH 71 in Travis County (CSJ: 0015-13-388). Below is a list of topics that TPWD believes that TxDOT should consider when choosing an alternative route and should study in detail in the EIS. Please note that this list is based on the very limited amount of preliminary information TPWD has about the project and does not represent all TPWD comments and recommendations on the project. Please continue to include me in notifications about upcoming scoping meetings. TPWD would like to review and comment on the draft EIS when it is available.

TPWD recommends referring to the Texas Conservation Action Plans (TCAP), TPWD Rare, Threatened, and Endangered Species of Texas (RTEST) by County application, and the Texas Natural Diversity Database (TXNDD), and Ecological Mapping System of Texas (EMST) for information regarding sensitive resources potentially occurring in the area, priority habitats, and issues affecting sensitive resources within Travis County and avoid adverse impacts to the these resources by route selection and or adjustments.

TPWD has concerns about the potential to encounter sensitive karst features and caves from the tunneling portions of the highway associated with the alternatives. Some of these features may be detectable from the surface while others may be discovered only during excavation activities. TPWD recommends having a qualified biologist perform a karst feature survey of the project limits in order to better understand the potential for impacts to karst features in the project area.

TPWD has concerns about temporary and permanent impacts to Colorado River from the reconstruction of the bridge over Lady Bird Lake. All waterways and associated floodplains, and riparian corridors, regardless of their jurisdictional status provide valuable habitat and should be protected to the maximum extent possible. TPWD recommends that TxDOT should avoid impacts to all aquatic habitats within the project area. Further, TPWD recommends that impact avoidance measures for aquatic organisms, including all native fish and freshwater mussel species, regardless of listing status, be considered during project planning and construction activities.

Based on our understanding of the project limits, this effort will more than likely involve the taking of federally protected public parkland as identified in the Land and Water Conservation Fund (LWCF) grant 48-00450- Austin Town Lake IV. If ROW expansion is needed along the Town Lake bridge areas, the City of Austin will be responsible for acquiring new parkland of at least equal fair market value to, and recreational usefulness of, the area removed from the park boundary. Additional information can be found in TPWD Local Park Grant Program's Conversion Guidelines.

TPWD appreciates the opportunity to provide comments on the proposed I-35 Capital Express Central EIS in Travis County.

Sincerely,

Suzanne Walsh  
Transportation Conservation Coordinator  
TPWD – Wildlife Habitat Assessment Program

Phone: (512) 389-4579

[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)

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**From:** Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>

**Sent:** Thursday, October 1, 2020 2:55 PM

**To:** Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>

**Cc:** Heather Ashley-Nguyen <Heather.AshleyNguyen@txdot.gov>; Susan Fraser <Susan.Fraser@txdot.gov>; Adam Kaliszewski <Adam.Kaliszewski@txdot.gov>; Shirley Nichols <Shirley.Nichols@txdot.gov>; Lindsey Kimmitt <Lindsey.Kimmitt@txdot.gov>; Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Shelly Eason <Shelly.Eason@txdot.gov>

**Subject:** RE: TXDOT EIS Participating Agency - I-35 from US 290 E to US 290W/SH71

**ALERT:** This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Suzanne,

Thank you for your response and we look forward to working with the Texas Parks and Wildlife Department on this project.

Thanks,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead  
Austin District

7901 N. IH 35, Austin, TX 78753

Phone: (512) 832-7256 office (512) 739-9450 cell | Email: [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)

---

**From:** Suzanne Walsh [<mailto:Suzanne.Walsh@tpwd.texas.gov>]

**Sent:** Thursday, October 01, 2020 11:17 AM

**To:** Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>

**Subject:** TXDOT EIS Participating Agency - I-35 from US 290 E to US 290W/SH71

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

Thank you for your letter of September 14, 2020 inviting the Texas Parks and Wildlife Department (TPWD) to become a Participating Agency for the preparation of an Environmental Impact Statement for I-35 from US 290 E to US 290 W/SH 71 in Travis County (CSJ:0015-13-388). TPWD appreciates the opportunity to participate in the environmental review process, and this email acknowledges that TPWD will act as a participating agency for this project. If you have any questions, please contact me at (512) 389-4579.

Sincerely,

Suzanne Walsh

Transportation Conservation Coordinator  
Wildlife Division – Wildlife Habitat Assessment Program  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, TX 78744  
Phone: (512) 389-4579  
[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)

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A Texas Department of Transportation message



## Suzanne Walsh

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**From:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>  
**Sent:** Thursday, December 15, 2022 11:22 AM  
**To:** Suzanne Walsh  
**Cc:** Andrew Blair; Tracy White; Tricia Bruck-Hoyt-C; Angela McMurray-C  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

**ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.**

Suzanne,  
My apologies. I meant to also include our full list of BMPs, as requested. Please see the list below.  
Thanks!  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096

### **Aquatic Amphibian and Reptile BMPs** - Language from BMP agreement (Sept. 2021)

The following Aquatic Amphibian and Reptile BMP apply to projects within the range and in suitable habitat for herpetofauna SGCN listed below and that are also listed on TPWD's RTEST online application. Please note that some species may require both aquatic and terrestrial BMP. It is difficult to confirm absence for most species of amphibians and reptiles; therefore, assume presence in suitable habitat and implement the following BMP.

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species: Black-spotted newt (*Notophthalmus meridionalis*), Cascade Caverns salamander (*Eurycea latitans*), Texas salamander (*Eurycea neotenes*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*)
- For projects within existing right-of-way (ROW) when work is in water or will permanently impact a water feature and potential habitat exists for the target species complete the following:
  - Minimize impacts to wetlands, temporary and permanent open water features, including depressions, and riverine habitats.
  - Maintain the existing hydrologic regime and any connections between wetlands and other aquatic features.
  - Use barrier fencing to direct animal movements away from construction activities and areas of potential wildlife-vehicle collisions in construction areas directly adjacent, or that may directly impact, potential habitat for the target species.
  - Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas. If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural

fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.

- Project specific locations (PSLs) proposed within state-owned ROW should be located in uplands away from aquatic features.
- When work is directly adjacent to the water, minimize impacts to shoreline basking sites (e.g., downed trees, sand bars, exposed bedrock) and refugia/overwinter sites (e.g., brush and debris piles, crayfish burrows, aquatic logjams, and leaf packs).
- For projects that require acquisition of additional ROW and work within that new ROW is in water or will permanently impact a water feature, implement BMP for projects within existing ROW above plus those below:
  - For culvert extensions and culvert replacement/installation, incorporate measures to funnel animals toward culverts such as concrete wingwalls and barrier walls with overhangs.
  - When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of terrestrial or aquatic wildlife through the water feature.

#### **Bat BMPs** - Language from BMP agreement (Sept. 2021)

The following Bat BMP apply to projects within the range and in suitable habitat for all bat SGCN and that are also listed on TPWD's RTEST online application. Review the habitat descriptions for species of interest on RTEST and other trusted resources to determine the appropriate beneficial management practice to avoid or minimize impacts to bats. All bat surveys and other activities that include direct contact with bats shall comply with TPWD-recommended white-nose syndrome protocols located on the TPWD Wildlife Habitat Assessment Program website under "Project Design and Construction".

The following survey and exclusion protocols should be followed prior to commencement of construction activities. For the purposes of this document, structures are defined as bridges, culverts (concrete or metal), wells, and buildings.

- Inform TPWD WHAB during initial collaborative review phase for projects that may impact the following bat species: Any *Myotis* spp. And Tricolored bat (*Perimyotis subflavus*).
- If identification of a bat species is in question, consult with TPWD or a qualified TxDOT biologist during initial collaborative review phase.
- For activities that have the potential to impact structures, cliffs or caves, or trees; a qualified biologist will perform a habitat assessment and occupancy survey of the feature(s) with roost potential as early in the planning process as possible or within one year before project letting.
- For roosts where occupancy is strongly suspected but unconfirmed during the initial survey, revisit feature(s) at most four weeks prior to scheduled disturbance to confirm absence of bats.
- If bats are present or recent signs of occupation (i.e., piles of guano, distinct musky odor, or staining and rub marks at potential entry points) are observed, take appropriate measures to ensure that bats are not harmed, such as implementing non-lethal exclusion activities or timing or phasing of construction.
- Exclusion devices can be installed by a qualified individual between September 1 and March 31. Exclusion devices should be used for a minimum of seven days when minimum nighttime temperatures are above 50°F AND minimum daytime temperatures are above 70°F. Prior to exclusion, ensure that alternate roosting habitat is available in the immediate area. If no suitable roosting habitat is available, installation of alternate roosts is recommended to replace the loss of an occupied roost. If alternate roost sites are not provided, bats may seek shelter in other inappropriate sites, such as buildings, in the surrounding area.
- If feature(s) used by bats are removed as a result of construction, replacement structures should incorporate bat-friendly design or artificial roosts should be constructed to replace these features.
- Conversion of property containing cave or cliff features to transportation purposes should be avoided.

- Avoid unnecessary removal of dead fronds on native and ornamental palm trees in south Texas (Cameron, Hidalgo, Willacy, Kenedy, Brooks, Kleberg, Nueces, and San Patricio counties) from April 1 through October 31. If removal of dead fronds is necessary at other times of the year, limit frond removal to extended warm periods (nighttime temperatures  $\geq 55^{\circ}\text{F}$  for at least two consecutive nights), so bats can move away from the disturbance and find new roosts.
- Large hollow trees, snags (dead standing trees), and trees with shaggy bark should be surveyed for colonies and, if found, should not be disturbed until the bats are no longer occupying these features. Post-occupancy surveys should be conducted by a qualified biologist prior to tree removal from the landscape.
- Retain mature, large diameter hardwood forest species and native/ornamental palm trees.
- If gating a cave or abandoned mine is desired, consult with TPWD before installing gates. Gating should only be conducted by qualified groups with a history of successful gating operations. Gate designs must be approved by TPWD.
- In all instances, avoid harm or death to bats. Bats should only be handled as a last resort and after communication with TPWD.
- Coordinate with TPWD about the latest bat handling restrictions and protocols involving COVID19 and bat handling. In general, all staff must follow the guidelines listed below:
  - Do not handle bats if not part of a critical or time-sensitive research project. Contact TPWD to discuss your project needs before beginning work.
  - All participants must follow CDC social-distancing guidelines.
  - Wear a face mask to minimize the exchange of respiratory droplets such as a surgical mask, dust mask, or cloth mask when within 6 feet of a living bat.
  - Use disposable exam gloves or other reusable gloves (e.g., rubber dish-washing gloves) that can be decontaminated to prevent spread of pathogens. Do not touch your face or other potentially contaminated surfaces with your gloves prior to handling bats.
  - Limit handling to as few handlers as possible.
  - Do not blow on bats for any reason.
  - Use separate temporary holding containers for each bat such as disposable paper bags.
  - Caves housing bats should be avoided unless absolutely necessary.
  - Implement additional disinfection, quarantine, and cleaning procedures.
- Bat surveys of structures should include visual inspections of structural fissures (cracked or spalled concrete, damaged or split beams, split or damaged timber railings), crevices (expansion joints, space between parallel beams, spaces above supports piers), and alternative structures (drainage pipes, bolt cavities, open sections between support beams, swallow nests) for the presence of bats.
- Before excluding bats from any occupied structure, bat species, weather, temperature, season, and geographic location must be incorporated into any exclusion plans to avoid unnecessary harm or death to bats. Winter exclusion must entail a survey to confirm either, 1) bats are absent or 2) present but active (i.e., continuously active – not intermittently active due to arousals from hibernation).
  - Avoid using materials that degrade quickly, like paper, steel wool or rags, to close holes.
  - Avoid using products or making structural modifications that may block natural ventilation, like hanging plastic sheeting over an active roost entrance, thereby altering roost microclimate.
  - Avoid using chemical and ultrasonic repellents.
  - Avoid use of silicone, polyurethane or similar non-water-based caulk products.
  - Avoid use of expandable foam products at occupied sites.
  - Avoid the use of flexible netting attached with duct tape.
- In order to avoid entombing bats, exclusion activities should be only implemented by a qualified individual. A qualified individual or company should possess at least the following minimum qualifications:
  - Experience in bat exclusion (the individual, not just the company).
  - Proof of rabies pre-exposure vaccinations.



- Demonstrated knowledge of the relevant bat species, including maternity season date range and habitat requirements.
- Demonstrated knowledge of rabies and histoplasmosis in relation to bat roosts.
- Contact TPWD for additional resources and information to assist in executing successful bat exclusions that will avoid unnecessary harm or death in bats.

**Fish BMPs** - Language from BMP agreement (Sept. 2021)

The following Fish BMP apply to projects for all fish species in waters of the state to minimize impacts to water quality and aquatic passage from transportation projects.

- For projects in waters of the state and work is adjacent to water: Water Quality and Stream Crossing BMP.
- For projects in waters of the state and work is in the water: Water Quality, Stream Crossing, and Dewatering BMP.

**Terrestrial Amphibian and Reptile BMPs** - Language from BMP agreement (Sept. 2021)

The following Terrestrial Amphibian and Reptile BMP apply to projects within the range and in suitable habitat for herpetofauna SGCN listed below and that are also listed on TPWD's RTEST online application. Please note that some species may require both aquatic and terrestrial BMP. It is difficult to confirm absence for most species of amphibians and reptiles; therefore, assume presence in suitable habitat and implement the following BMP.

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species: Black-spotted newt (*Notophthalmus meridionalis*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*), Dunes sagebrush lizard (*Sceloporus arenicolus*), Tamaulipan spot-tailed earless lizard (*Holbrookia subcaudalis*).
- Avoid or minimize disturbing or removing cover objects, such as downed trees, rotting stumps, brush piles, and leaf litter. If avoidance or minimization is not practicable, consider removing cover objects prior to the start of the project and replace them at project completion.
- Examine heavy equipment stored on site before use, particularly after rain events when reptile and amphibian movements occur more often, to ensure use will not harm individuals that might be seeking temporary refuge.
- Due to increased activity (mating) of reptiles and amphibian during the spring, construction activities like clearing or grading should attempt to be scheduled outside of the spring (March-May) season. Also, timing ground disturbing activities before October when reptiles and amphibians become less active and may be using burrows in the project area is also encouraged.
- When designing roads with curbs, consider using Type I or Type III curbs to provide a gentle slope to enable turtles and small animals to get out of roadways.
- If Texas tortoises (*Gopherus berlandieri*) or box turtles (*Terrepenne spp.*) are present in a project area, they should be removed from the area and relocated between 100 and 200 meters from the project area.
- Rolled erosion control mesh material should not be used.
- The exclusion fence should be buried at least 6 inches deep and be at least 24 inches high.
- The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated

**Vegetation BMPs** - Language from BMP agreement (Sept. 2021)

Minimize the amount of vegetation cleared. Removal of native vegetation, particularly mature native trees and shrubs should be avoided. Impacted vegetation should be replaced with in-kind onsite replacement/restoration of native vegetation.

- To minimize adverse effects, activities should be planned to preserve mature trees, particularly acorn, nut or berry producing varieties. These types of vegetation have high value to wildlife as food and cover.

- It is strongly recommended that trees greater than 12 inches in diameter at breast height (DBH) that are removed be replaced. TPWD's experience indicates that for ecologically effective replacement, a ratio of three trees for every one (3:1) lost should be provided to either on-site or off-site. Trees less than 12 inches DBH should be replaced at a 1:1 ratio.
- Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species.
- When trees are planted, a maintenance plan that ensures at least an 85 percent survival rate after three years should be developed for the replacement trees.
- The use of any non-native vegetation in landscaping and revegetation is discouraged. Locally adapted native species should be used.
- The use of seed mix that contains seeds from only regional ecotype native species is recommended

**Water Quality BMPs** - Language from BMP agreement (Sept. 2021)

In addition to BMP required for a TCEQ Storm Water Pollution Prevention Plan and/or 401 Water Quality Certification:

- Minimize the use of equipment in streams and riparian areas during construction. When possible, equipment access should be from banks, bridge decks, or barges.
- When temporary stream crossings are unavoidable, remove stream crossings once they are no longer needed and stabilize banks and soils around the crossing.
- Wet-Bottomed detention ponds are recommended to benefit wildlife and downstream water quality. Consider potential wildlife-vehicle interactions when siting detention ponds.
- Rubbish found near bridges on TxDOT ROW should be removed and disposed of properly to minimize the risk of pollution. Rubbish does not include brush piles or snags.

**Rare Plant BMPs** - Language from BMP agreement (Sept. 2021)

The following plant BMP apply to projects within range of and in suitable habitat for all plant SGCN that are listed on TPWD's RTEST online application.

- Survey project area during appropriate seasons to allow for correct species identification. Habitat and survey seasons are usually during the flowering and/or fruiting period listed on the RTEST website, if available. Surveys should be performed within suitable habitat for the species. Survey effort is project-, species- and habitat-dependent. Botanical field surveys should be conducted by qualified individual(s) with botanical experience and according to commonly accepted survey protocols. Ensure that any equipment, tools, footwear and clothing are clean prior to entering the project site area to avoid introducing invasive species. Prior to surveying, TPWD Staff is available to provide assistance with species identification and appropriate survey effort.
- If SGCN plants are located, the surveyor should attempt to determine the complete extent of the occurrence and the approximate number of individuals within the occurrence. Suitable GPS equipment should be used to map the boundaries of the population. Photographs should be taken and/or voucher specimens should be collected (if sufficient plants are present, i.e., more than 10 reproductive plants). Please note that a state collection permit is required from TPWD to collect voucher specimens of state-listed species and a federal collection permit is required from U.S. Fish and Wildlife Service (USFWS) to collect federally listed species. Photographs should capture diagnostic characters of the species for verification and should be discussed with TPWD Staff prior to surveys if surveyor is unfamiliar with the species. Vouchers should be deposited with TPWD Staff or in one of Texas' major herbaria (e.g., University of Texas at Austin, Botanical Research Institute of Texas, Texas A&M University, Sul Ross State University, etc.).
- If there is a known TXNDD SGCN plant population within the project area and project timing or other constraints do not allow for surveys, contact TPWD Transportation Staff as soon as possible to discuss other options.
- If an SGCN plant species is located during surveys of the project area, then complete the following during the construction phase:

- a. Avoid impacts and minimize unavoidable impacts. Plant locations should be protected with temporary barrier fencing and contractors should be instructed to avoid protected areas. Conducting construction outside of the growing season or after a plant has produced mature fruit is the preferred way to avoid/minimize impacts to SGCN plant populations. Staging areas, stockpiles, and other project related sites on TxDOT ROW should not impact SGCN plant populations. After construction begins, minimize herbicide use near SGCN plant populations (if possible, use hand-held spot sprayers, several meters from rare plants, on still or days with little wind).
  - b. If there are unintended impacts to SGCN populations, these impacts should be reported to TPWD Transportation Staff.
  - c. If the project footprint is finalized or is subject to change AND impacts to SGCN plants cannot be avoided, notify TPWD Transportation Staff as soon as possible. Early notification will allow adequate time and opportunity to seed bank or otherwise conserve populations prior to construction.
- Submit observation(s) of SGCN plant populations and associated data to the TXNDD and [WHAB TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov). A TXNDD Reporting Form with shapefiles delineating the outer boundary of the population are preferable. Include detailed information on who identified and how a species was identified (resources/references used; diagnostic characters observed). If an SGCN plant population is located near non-native invasive plants, this should be recorded and reported in TXNDD Reporting Form.
  - Although these BMP do not apply to federally listed species, the observation of federally listed species should also be submitted to TPWD.
  - During project period, conduct work during times of the year when plants are dormant and/or conditions minimize disturbance of the habitat.
  - Develop a plan based on growing season, mower height/season, etc. for protecting sites into future. Maps should also be developed for rare plant area, which includes no mow areas. Known rare plant sites on ROWs and/or new sites found in future projects can be added to this map/plan.
  - Conducting maintenance outside of the growing season or after a plant has produced mature fruit is the preferred way to avoid/minimize impacts to habitat.

#### **Aquatic Invertebrate BMPs** - Language from BMP agreement (Sept. 2021)

The following Aquatic Invertebrate BMP apply to projects within the range and in suitable habitat for all aquatic invertebrate SGCN and that are also listed on TPWD's RTEST online application.

- For projects within the range of a SGCN or state-listed species and work is adjacent to water: Water Quality and Stream Crossing BMP.
- For projects within the range of a SGCN or state-listed species and work is in the water: Water Quality, Stream Crossing, and Dewatering BMP.
- For spring-seep associated caddisflies (*Cheumatopsyche morsei*, *Chimarra holzenthali*, and *Hydroptila ouachita*): Avoid or minimize impacts to the natural riparian buffer along stream channel including native shrubs and trees.

Contractors will be advised of the potential occurrence of SGCN species and to avoid harming the species, if encountered.

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**From:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>

**Sent:** Thursday, December 15, 2022 10:14 AM

**To:** Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>

**Cc:** Andrew Blair <Andrew.Blair@txdot.gov>; Tracy White <Tracy.White@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-

C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>

**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

Hi Suzanne,

Thank you for providing TPWD's comments and recommendations through the coordination process for this project. I have included TPWD's comments below and TxDOT's responses in *Blue Text*.

Sincerely,

Sonya

Sonya Y. Hernandez, P.G.

Environmental Program Manager

Austin District

Texas Department of Transportation

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

TxDOT's 300.04 *Form to Document TPWD BMP* indicates that the district will implement BMP from several categories. TPWD is interested in the specific measures that TxDOT will implement for this project and requests that the district provide the full BMP language (i.e. bulleted list of individual BMP within a category).

***TxDOT Response:** The full BMP language for the BMPs that TxDOT is planning to implement (from TxDOT's 300.04 Form to Document TPWD BMP) are included in the subsequent pages.*

TPWD recommends that the district implement the following General Design and Construction BMP:

- Direct animals away from the construction area with the judicious use and placement of sediment control fencing to exclude wildlife. Exclusion fence should be buried at least 6 inches and be at least 24 inches high, maintained for the life of the project, and removed after construction is completed. Contractors should examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities.
- Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.
- If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
- Project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.
- When lighting is added, consider wildlife impacts from light pollution and incorporating dark-sky practices into design strategies. Minimize sky glow by focusing light downward, with full cutoff luminaires to avoid light emitting above the horizontal. The minimum amount of night-time lighting needed for safety and security should be used.

***TxDOT Response:***

*Of the General Design and Construction BMP recommended by TPWD, TxDOT will implement the following:*

- *Apply hydro mulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.*

- *If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.*
- *Where practical, project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.*

***TxDOT's general comments:***

- *Sediment control fencing will be utilized during construction for erosion control, but not as an intentional means of excluding wildlife.*

*The lighting plan for this project has not been developed at this point. The primary purpose of the lighting on I-35 is to illuminate the highway. The lighting will include lights focused downward toward the highway, with full cutoff luminaries.*

TPWD recommends that the district implement Stream Crossing BMP:

- Use spanning bridges rather than culverts.
- If using a culvert, staggered culverts that concentrate low flows but provide conveyance of higher flows through staggered culverts placed at higher elevations is recommended.
- Bottomless culverts are recommended to allow for fish and other aquatic wildlife passage in the low flow channel. If bottomless culverts are not used, making a low flow channel for fish passage is recommended.
- Avoid placing riprap across stream channels and instead use alternative stabilization such as biotechnical stream bank stabilization methods including live native vegetation or a combination of vegetative and structural materials. When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation.
- Incorporate bat-friendly design into bridges and culverts.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.
- A span wide enough to cross the stream and allow for dry ground and a natural surface path under the roadway is encouraged. For culverts, incorporation of an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife is recommended.
- Riparian buffer zones should remain undisturbed.

***TxDOT Response:***

*Of the Stream Crossing BMP recommended by TPWD, TxDOT will implement the following:*

- *Use spanning bridges rather than culverts, where practical.*
- *Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.*

***TxDOT's general comments:***

- *There are no perennial streams within the project limits and therefore fish passage was not a design consideration.*
- *TxDOT does not have any plans to do rip-rap bank stabilization on this project.*
- *TxDOT observed swallow nests but did not find any evidence of bats under bridges during the site visits. Habitat for the cave myotis bat (no known colony, possible habitat where swallow nests were observed on bridge over Lady Bird Lake) is disclosed in the Draft EIS. TxDOT and the City of Austin are evaluating the feasibility of adding bat boxes the proposed I-35 bridge over Lady Bird Lake.*

- *Due to the urban setting and their extensive length, the culverts within the project's limits are not suitable for wildlife passage for most wildlife species.*

TPWD recommends that the district implement Invasive Species BMP:

- For all work in water bodies designated as 'infested' or 'positive' for invasive zebra (*Dreissena polymorpha*) or quagga mussels (*Dreissena bugensis*) on <http://texasinvasives.org/zebramussels/> as well as waters downstream of these lakes, all machinery, equipment, vessels, or vehicles coming in contact with such waters should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the potential spread of invasive mussels.
- Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction.
- Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (*Salvinia molesta*), common salvinia (*Salvinia minima*), hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia* spp.), Eurasian watermilfoil (*Myriophyllum spicatum*), water lettuce (*Pistia stratiotes*), and alligatorweed (*Alternanthera philoxeroides*) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal.
- Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (*Arundo donax*), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation.
- Aquatic invasive species (e.g., tilapias (*Oreochromis* spp., *Tilapia zillii*), suckermouth armored catfish (*Hypostomus plecostomus*, *Pterigoplichthys* spp.), Asian clams (*Corbicula fluminea*), zebra mussels (*Dreissena polymorpha*)) or those not native to the subwatershed should not be relocated but rather should be dispatched. Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession.

***TxDOT Response:*** *We agree to implement these invasive species BMPs.*

Additionally, will TxDOT be performing surveys for SGCN plants in the project area, particularly around Ladybird Lake?

***TxDOT Response:*** *TxDOT will make an effort to look for these rare plant species as we continue fieldwork for this project. We will submit any new records to TxNDD.*

Will there be any impacts to parks from the proposed project?

***TxDOT Response:*** *Yes, TxDOT anticipates permanent acquisition of parkland at Waller Beach (I-35/Lady Bird Lake - NW corner) and temporary easements at Edward Rendon Sr. Metro Park (I-35/Lady Bird Lake - NE corner), Norwood Tract (I-35/Lady Bird Lake - SW corner) and the Ann and Roy Butler Hike and Bike Easement (I-35/Lady Bird Lake - SE corner). TxDOT has been coordinating with the City of Austin and TPWD (Amy Grossman) on the potential impacts to parkland.*

**From:** [Sonya Hernandez](#)  
**To:** [Suzanne Walsh \(Suzanne.Walsh@tpwd.texas.gov\)](mailto:Suzanne.Walsh@tpwd.texas.gov)  
**Cc:** [Lindsey Kimmitt](#); [Valentine, Shane](#); [Angela McMurray-C](#); [Tricia Bruck-Hoyt-C](#); [Tracy White](#); [Andrew Blair](#); [Frances Jordan-C](#); [Scott Ford](#); [Dennis Palafox](#)  
**Subject:** RE: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – TPWD  
**Date:** Friday, May 5, 2023 2:41:52 PM  
**Attachments:** [WL49831-TxDOT-0015-13-388-DEIS-02-10-2023.pdf](#)

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Good afternoon Suzanne,

TxDOT received TPWD's comments on the I-35 Capital Express Central Project Draft EIS on February 10, 2023. In the attached comment letter, TPWD made recommendations, which are listed below with TxDOT's responses. Thank you for your agency's review and recommendations. We greatly appreciate your coordination efforts on this project.

Sincerely,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

Recommendation: TPWD recommends that Appendix D for Agency Coordination (page 13) should include this letter with an attachment of TPWD's recommendations during the scoping period and TxDOT's comments to TPWD's recommendations to document all correspondence on this proposed project.

[TxDOT Response: This letter will be included to the Appendix D in the Final EIS.](#)

#### Comments on the DEIS

Appendix D of the DEIS (pages 3-4) includes TxDOT's Form "Documentation of Texas Parks and Wildlife Department Best Management Practices" that provided only the general category of BMP for the proposed project submitted during initial collaborative review. During this review, TPWD requested the specific measures that TxDOT would implement for the proposed project. TxDOT provided the BMP language and agreed to additional General Design and Construction BMP and Stream Crossing BMP, as well as all Invasive Species BMP as outlined in TPWD's *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources (Version September 17, 2021)*. TPWD notes that Section 3.11.12 of the DEIS (pages 301-302) does not include those additional BMP agreed upon in the list of measures to minimize impacts to natural resources for the Preferred Alternative.

Recommendation: TPWD recommends that TxDOT's Form "Documentation of Texas Parks and Wildlife Department Best Management Practices" in Appendix D for Agency Coordination should be updated to list the full language of all individual BMP within a given category and also document the additional measures agreed to during initial collaborative review.

*TxDOT Response: An updated version of the "Documentation of Texas Parks and Wildlife Department Best Management Practices" will be included in Appendix D of the Final EIS.*

Recommendation: TPWD notes that Section 3.17.5.2 (page 418) of the DEIS includes the implementation of *all* the General Design and Construction BMP as outlined in TPWD's *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources (Version September 17, 2021)*. TPWD recommends updating the DEIS to list the General Design and Construction BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for General Design and Construction BMP to TxDOT's Form "Documentation of Texas Parks and Wildlife Department Best Management Practices" in Appendix D for Agency Coordination.

*TxDOT Response: The General Design and Construction BMPs listed in Section 3.17 of the Final EIS will be revised and an updated version of the "Documentation of Texas Parks and Wildlife Department Best Management Practices" will be included in Appendix D of the Final EIS.*

Recommendation: TPWD recommends updating the DEIS to list the Stream Crossing BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for these Stream Crossing BMP to TxDOT's Form "Documentation of Texas Parks and Wildlife Department Best

*Management Practices*" in Appendix D for Agency Coordination, including:

- Use spanning bridges rather than culverts, where practical.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.

*TxDOT Response: The BMPs listed 3.11.12 (Texas Parks and Wildlife Coordination) will be revised and an updated version of the "Documentation of Texas Parks and Wildlife Department Best Management Practices" will be included in Appendix D of the Final EIS.*

Recommendation: TPWD recommends updating the DEIS to list the Invasive Species BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for the Invasive Species BMP to TxDOT's Form "Documentation of Texas Parks and Wildlife Department Best Management Practices" in Appendix D for Agency Coordination, including:

- For all work in water bodies designated as 'infested' or 'positive' for invasive zebra (*Dreissena polymorpha*) or quagga mussels (*Dreissena bugensis*) on <http://texasinvasives.org/zebramussels/> as well as waters downstream of these lakes, all machinery, equipment, vessels, or vehicles coming in contact with such waters



should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the potential spread of invasive mussels.

- Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction.
- Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (*Salvinia molesta*), common salvinia (*Salvinia minima*), hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia* spp.), Eurasian watermilfoil (*Myriophyllum spicatum*), water lettuce (*Pistia stratiotes*), and alligatorweed (*Alternanthera philoxeroides*) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal.
- Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (*Arundo donax*), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation.
- Aquatic invasive species (e.g., tilapias (*Oreochromis* spp., *Tilapia zillii*), suckermouth armored catfish (*Hypostomus plecostomus*, *Pterigoplichthys* spp.), Asian clams (*Corbicula fluminea*), zebra mussels (*Dreissena polymorpha*)) or those not native to the subwatershed should not be relocated but rather should be dispatched.

Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession.

[TxDOT Response: An updated version of the "Documentation of Texas Parks and Wildlife Department Best Management Practices" will be included in Appendix D of the Final EIS.](#)

## Water Resources

All waterways and associated floodplains, riparian corridors, and lakes, regardless of their jurisdictional status, provide valuable wildlife habitat and should be protected to the maximum extent practicable. Natural buffers contiguous to any aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. Destruction of inert microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms should also be avoided, as these provide habitat for a variety of fish and wildlife species and their food sources.

Section 3.10 of the DEIS (page 286) states "*Compensatory mitigation for the loss of streambed in the Colorado River is anticipated to be required for the proposed build alternatives;*" however, TPWD notes that Section 3.25 of the DEIS (page 428) does not list mitigation for stream impacts with the other project benefits and proposed mitigation for the Preferred Alternative.

Recommendation: TPWD recommends that compensatory mitigation for impacts to Waters of the U.S. should be listed in all necessary sections. Additionally, TPWD recommends compensatory mitigation for all losses of Waters of the U.S. due to unavoidable impacts from the project, including non-notification Nationwide Permits.

[TxDOT Response: TxDOT is working with the U.S. Army Corps of Engineering on all water resources related permitting. More information on this topic will be available in the Final EIS.](#)

There are several large drainage structures planned as part of this proposed project, including outfalls to Waters of the U.S. These large flows can reach erosive velocities that negatively impact receiving waters, plants, and wildlife downstream. The location of the outfall in a side channel of the Colorado River may be vulnerable to erosion.

Recommendation: TPWD recommends the placement of energy dissipators to reduce water velocity to minimize erosion in the project area.

[TxDOT Response: TxDOT is planning to incorporate energy dissipation at the drainage tunnel outfall into the Colorado River.](#)

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**From:** Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>

**Sent:** Friday, February 10, 2023 5:19 PM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Subject:** RE: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – TPWD

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

Sonya,

Please see attached letter for TxDOT Austin District's I-35 Capital Express Central Project in Travis County (CSJ: 0015-13-388). If you have any questions, please let me know.

Sincerely,

Suzanne Walsh  
Transportation Conservation Coordinator  
(512) 389-4579

---

**From:** WHAB\_TxDOT <[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>  
**Sent:** Friday, December 30, 2022 3:23 PM  
**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>; WHAB\_TxDOT <[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>; Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>  
**Subject:** RE: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – TPWD

The TPWD Wildlife Habitat Assessment Program has received your request and has assigned it project ID # 49831. The Habitat Assessment Biologist who will complete your project review is copied on this email.

Thank you,

John Ney  
Administrative Assistant  
Texas Parks & Wildlife Department  
Wildlife Division – Ecological & Environmental Planning Program  
4200 Smith School Road  
Austin, TX 78744  
Office: (512) 389-4571

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Sent:** Thursday, December 29, 2022 11:43 AM  
**To:** WHAB\_TxDOT <[WHAB\\_TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov)>; Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>  
**Cc:** Shirley Nichols <[Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>; Lindsey Kimmitt <[Lindsey.Kimmitt@txdot.gov](mailto:Lindsey.Kimmitt@txdot.gov)>; Valentine, Shane <[shane.valentine@hdrinc.com](mailto:shane.valentine@hdrinc.com)>; Tommy Abrego <[Tommy.Abrego@txdot.gov](mailto:Tommy.Abrego@txdot.gov)>; Suzanne Walsh <[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)>; Dana Lagarde <[Dana.Lagarde@tpwd.texas.gov](mailto:Dana.Lagarde@tpwd.texas.gov)>; Amy

Grossman <[Amy.Grossman@tpwd.texas.gov](mailto:Amy.Grossman@tpwd.texas.gov)>; Frances Jordan-C <[FJORDO-C@txdot.gov](mailto:FJORDO-C@txdot.gov)>; Nicholas Barbera-C <[NBARBE-C@txdot.gov](mailto:NBARBE-C@txdot.gov)>

**Subject:** I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – TPWD

**ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.**

Attached please find a Notice of Availability of a DRAFT environmental impact statement for a highway project.

**The type of request (coordination of an EA or EIS):** EIS

**CSJ number:** 0015-13-388

**Project name:** I-35 Capital Express Central Project

**Project location:** I-35 from US 290 East to US 290 West/SH 71 (also includes a drainage tunnel along Cesar Chavez Street that outfalls into the Colorado River east of Longhorn Dam)

**File names for the draft EIS in ECOS:** Approved DEIS M35 CapEx-C Signed 2022-12-20.pdf

**TxDOT district environmental staff contact information:** Sonya Y. Hernandez, P.G.,  
Environmental Program Manager, Austin District Texas Department of Transportation,  
[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov),

Mobile Phone: 512-649-6478, Office Phone: 512-832-7096

The draft EIS is also available online at:

[My35CapEx.com](http://My35CapEx.com) and [TxDOT.gov](http://TxDOT.gov)

Thank you,  
Sonya Hernandez

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096



Life's better outside.®

February 10, 2023

Ms. Sonya Hernandez  
Environmental Program Manager  
Texas Department of Transportation  
7901 North I-35  
Austin, Texas 78753

RE: Draft Environmental Impact Statement for I-35 Capital Express Central from US 290 East to US 290 West/SH 71, Travis County, Texas (CSJ: 0015-13-388)

Dear Ms. Hernandez:

Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Environmental Impact Statement (DEIS) upon TxDOT's Notice of Availability of DEIS received by our office on December 29, 2022, regarding the above-referenced transportation project.

TPWD, as the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code (PWC) section 12.011, hereby provides the following comments and recommendations to minimize adverse impacts to natural resources. Please reference TPWD project number 49831 in any return correspondence on this project.

**Project Description**

The proposed project is approximately 8 miles in length. The existing I-35 decks would be removed, the roadway would be lowered, and two high-occupancy vehicle managed lanes in each direction will be added along I-35. The east-west-cross street bridges will be reconstructed, pedestrian and bicycle paths will be added, and additional safety and mobility improvements will be made within the project limits.

Section 2.2 (page 23) of the DEIS included the following "Descriptions of Reasonable Alternatives and the No-Build Alternative" that are carried forward for the proposed project, including Build Alternative 2 and Modified Build 13 Alternative 3". *"Both build alternatives would add two HOV managed lanes in each direction, remove the upper decks on I-35 between Airport Boulevard and MLK Jr. Boulevard, and lower I-35 through downtown between MLK Jr. Boulevard and Holly Street. Because Texas is currently in a non-tolled environment under the 2023 Unified Transportation Plan (UTP) (TxDOT, 2022a), the current project is considering HOV/two or more (2+) occupants for the managed 26 lanes, which meets the eligibility requirement for this project. HOV lanes provide a more equitable transportation option than managed express/toll lanes, which require dynamic pricing to be effective".*

Commissioners

Arch "Beaver" Aplin, III  
Chairman  
Lake Jackson

Dick Scott  
Vice-Chairman  
Wimberley

James E. Abell  
Kilgore

Oliver J. Bell  
Cleveland

Paul L. Foster  
El Paso

Anna B. Galo  
Laredo

Jeffery D. Hildebrand  
Houston

Robert L. "Bobby" Patton, Jr.  
Fort Worth

Travis B. "Blake" Rowling  
Dallas

Lee M. Bass  
Chairman-Emeritus  
Fort Worth

T. Dan Friedkin  
Chairman-Emeritus  
Houston

David Yoskowitz, Ph.D.  
Executive Director

Ms. Sonya Hernandez

Page 2 of 5

February 10, 2023

*“Both build alternatives would also include reconstructing the bridge across Lady Bird Lake; improving bicycle and pedestrian paths; accommodating current and future CapMetro routes; and on-site and off-site drainage facilities. TxDOT is including several elements of the community concepts described in Section 2.1 in both build alternatives. Additionally, both build alternatives are being evaluated for their ability to accommodate locally funded enhancements, which could include deck plazas (also referred to as caps). Locally-funded enhancements 35 are being developed and steered by the Our Future 35: Cap and Stitch Program (Our Future 35), an independent 36 project to be funded by others. Our Future 35 leverages the opportunity presented by the Capital Express Central Project to provide benefits to the Austin community through a series of public spaces (deck plazas) and widened crossings (stitches) using TxDOT’s highway lanes through downtown Austin (proposed to be below street level”).*

### **Proposed Alternative in DEIS**

The DEIS states that the Modified Build Alternative 3 is the Preferred Alternative recommended by TxDOT for the proposed project. TxDOT’s selection of an Alternative will be given in a combined Final Environmental Impact Statement (FEIS) and Record of Decision (ROD).

### **Previous Coordination**

After attending an Agency Scoping Meeting on November 12, 2020, TPWD provided recommendations for natural resource information, issues, or concerns on December 22, 2020, for this proposed project. TxDOT submitted a request for initial collaborative review on July 11, 2022, under the 2021 Memorandum of Understanding (MOU) and provided early environmental documents for review. TPWD provided additional recommendations to minimize adverse impacts to natural resources on October 28, 2022, and TxDOT provided responses to TPWD’s recommendations on December 15, 2022.

**Recommendation:** TPWD recommends that Appendix D for Agency Coordination (page 13) should include this letter with an attachment of TPWD’s recommendations during the scoping period and TxDOT’s comments to TPWD’s recommendations to document all correspondence on this proposed project.

### **Comments on the DEIS**

Appendix D of the DEIS (pages 3-4) includes TxDOT’s Form “Documentation of Texas Parks and Wildlife Department Best Management Practices” that provided only the general category of BMP for the proposed project submitted during initial collaborative review. During this review, TPWD requested the specific measures that TxDOT would implement for the proposed project. TxDOT provided the BMP language and agreed to additional General Design and Construction BMP and

Stream Crossing BMP, as well as all Invasive Species BMP as outlined in TPWD's *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources (Version September 17, 2021)*. TPWD notes that Section 3.11.12 of the DEIS (pages 301-302) does not include those additional BMP agreed upon in the list of measures to minimize impacts to natural resources for the Preferred Alternative.

**Recommendation:** TPWD recommends that TxDOT's Form "*Documentation of Texas Parks and Wildlife Department Best Management Practices*" in Appendix D for Agency Coordination should be updated to list the full language of all individual BMP within a given category and also document the additional measures agreed to during initial collaborative review.

**Recommendation:** TPWD notes that Section 3.17.5.2 (page 418) of the DEIS includes the implementation of *all* the General Design and Construction BMP as outlined in TPWD's *Beneficial Management Practices: Avoiding, Minimizing, and Mitigating Impacts of Transportation Projects on State Natural Resources (Version September 17, 2021)*. TPWD recommends updating the DEIS to list the General Design and Construction BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for General Design and Construction BMP to TxDOT's Form "*Documentation of Texas Parks and Wildlife Department Best Management Practices*" in Appendix D for Agency Coordination.

**Recommendation:** TPWD recommends updating the DEIS to list the Stream Crossing BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for these Stream Crossing BMP to TxDOT's Form "*Documentation of Texas Parks and Wildlife Department Best Management Practices*" in Appendix D for Agency Coordination, including:

- Use spanning bridges rather than culverts, where practical.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.

**Recommendation:** TPWD recommends updating the DEIS to list the Invasive Species BMP with other minimization measures in Section 3.11.12 and adding the full BMP language for the Invasive Species BMP to TxDOT's Form "*Documentation of Texas Parks and Wildlife Department Best Management Practices*" in Appendix D for Agency Coordination, including:

- For all work in water bodies designated as 'infested' or 'positive' for invasive zebra (*Dreissena polymorpha*) or quagga mussels (*Dreissena bugensis*) on <http://texasinvasives.org/zebramussels/> as well as waters downstream of these lakes, all machinery, equipment, vessels, or

vehicles coming in contact with such waters should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the potential spread of invasive mussels.

- Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction.
- Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (*Salvinia molesta*), common salvinia (*Salvinia minima*), hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia* spp.), Eurasian watermilfoil (*Myriophyllum spicatum*), water lettuce (*Pistia stratiotes*), and alligatorweed (*Alternanthera philoxeroides*) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal.
- Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (*Arundo donax*), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation.
- Aquatic invasive species (e.g., tilapias (*Oreochromis* spp., *Tilapia zillii*), suckermouth armored catfish (*Hypostomus plecostomus*, *Pterigoplichthys* spp.), Asian clams (*Corbicula fluminea*), zebra mussels (*Dreissena polymorpha*)) or those not native to the subwatershed should not be relocated but rather should be dispatched. Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession.



### Water Resources

All waterways and associated floodplains, riparian corridors, and lakes, regardless of their jurisdictional status, provide valuable wildlife habitat and should be protected to the maximum extent practicable. Natural buffers contiguous to any aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. Destruction of inert microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms should also be avoided, as these provide habitat for a variety of fish and wildlife species and their food sources.

Section 3.10 of the DEIS (page 286) states “*Compensatory mitigation for the loss of streambed in the Colorado River is anticipated to be required for the proposed build alternatives;*” however, TPWD notes that Section 3.25 of the DEIS (page 428) does not list mitigation for stream impacts with the other project benefits and proposed mitigation for the Preferred Alternative.

**Recommendation:** TPWD recommends that compensatory mitigation for impacts to Waters of the U.S. should be listed in all necessary sections. Additionally, TPWD recommends compensatory mitigation for all losses of Waters of the U.S. due to unavoidable impacts from the project, including non-notification Nationwide Permits.

There are several large drainage structures planned as part of this proposed project, including outfalls to Waters of the U.S. These large flows can reach erosive velocities that negatively impact receiving waters, plants, and wildlife downstream. The location of the outfall in a side channel of the Colorado River may be vulnerable to erosion.

**Recommendation:** TPWD recommends the placement of energy dissipators to reduce water velocity to minimize erosion in the project area.

TPWD appreciates the opportunity to provide comments and recommendations for the DEIS of this project. If you have any questions, please contact me at (512) 389-4579 or [Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov).

Sincerely,



Suzanne Walsh  
Ecological and Environmental Planning Program  
Wildlife Division

SCW:49831  
Attachments (2)

## Suzanne Walsh

---

**From:** Suzanne Walsh  
**Sent:** Tuesday, December 22, 2020 4:56 PM  
**To:** Tricia Bruck-Hoyt-C  
**Subject:** RE: TXDOT EIS Participating Agency - I-35 from US 290 E to US 290W/SH71

Tricia,

This email is in response to your request for agency information, issues, or concerns about the proposed I-35 Capital Express Central Project from US 290 East to US 290 West/SH 71 in Travis County (CSJ: 0015-13-388). Below is a list of topics that TPWD believes that TxDOT should consider when choosing an alternative route and should study in detail in the EIS. Please note that this list is based on the very limited amount of preliminary information TPWD has about the project and does not represent all TPWD comments and recommendations on the project. Please continue to include me in notifications about upcoming scoping meetings. TPWD would like to review and comment on the draft EIS when it is available.

TPWD recommends referring to the Texas Conservation Action Plans (TCAP), TPWD Rare, Threatened, and Endangered Species of Texas (RTEST) by County application, and the Texas Natural Diversity Database (TXNDD), and Ecological Mapping System of Texas (EMST) for information regarding sensitive resources potentially occurring in the area, priority habitats, and issues affecting sensitive resources within Travis County and avoid adverse impacts to the these resources by route selection and or adjustments.

TPWD has concerns about the potential to encounter sensitive karst features and caves from the tunneling portions of the highway associated with the alternatives. Some of these features may be detectable from the surface while others may be discovered only during excavation activities. TPWD recommends having a qualified biologist perform a karst feature survey of the project limits in order to better understand the potential for impacts to karst features in the project area.

TPWD has concerns about temporary and permanent impacts to Colorado River from the reconstruction of the bridge over Lady Bird Lake. All waterways and associated floodplains, and riparian corridors, regardless of their jurisdictional status provide valuable habitat and should be protected to the maximum extent possible. TPWD recommends that TxDOT should avoid impacts to all aquatic habitats within the project area. Further, TPWD recommends that impact avoidance measures for aquatic organisms, including all native fish and freshwater mussel species, regardless of listing status, be considered during project planning and construction activities.

Based on our understanding of the project limits, this effort will more than likely involve the taking of federally protected public parkland as identified in the Land and Water Conservation Fund (LWCF) grant 48-00450- Austin Town Lake IV. If ROW expansion is needed along the Town Lake bridge areas, the City of Austin will be responsible for acquiring new parkland of at least equal fair market value to, and recreational usefulness of, the area removed from the park boundary. Additional information can be found in TPWD Local Park Grant Program's Conversion Guidelines.

TPWD appreciates the opportunity to provide comments on the proposed I-35 Capital Express Central EIS in Travis County.

Sincerely,

Suzanne Walsh  
Transportation Conservation Coordinator  
TPWD – Wildlife Habitat Assessment Program

Phone: (512) 389-4579

[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)

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**From:** Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>

**Sent:** Thursday, October 1, 2020 2:55 PM

**To:** Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>

**Cc:** Heather Ashley-Nguyen <Heather.AshleyNguyen@txdot.gov>; Susan Fraser <Susan.Fraser@txdot.gov>; Adam Kaliszewski <Adam.Kaliszewski@txdot.gov>; Shirley Nichols <Shirley.Nichols@txdot.gov>; Lindsey Kimmitt <Lindsey.Kimmitt@txdot.gov>; Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Shelly Eason <Shelly.Eason@txdot.gov>

**Subject:** RE: TXDOT EIS Participating Agency - I-35 from US 290 E to US 290W/SH71

**ALERT:** This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Suzanne,

Thank you for your response and we look forward to working with the Texas Parks and Wildlife Department on this project.

Thanks,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead  
Austin District

7901 N. IH 35, Austin, TX 78753

Phone: (512) 832-7256 office (512) 739-9450 cell | Email: [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)

---

**From:** Suzanne Walsh [<mailto:Suzanne.Walsh@tpwd.texas.gov>]

**Sent:** Thursday, October 01, 2020 11:17 AM

**To:** Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>

**Subject:** TXDOT EIS Participating Agency - I-35 from US 290 E to US 290W/SH71

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

Thank you for your letter of September 14, 2020 inviting the Texas Parks and Wildlife Department (TPWD) to become a Participating Agency for the preparation of an Environmental Impact Statement for I-35 from US 290 E to US 290 W/SH 71 in Travis County (CSJ:0015-13-388). TPWD appreciates the opportunity to participate in the environmental review process, and this email acknowledges that TPWD will act as a participating agency for this project. If you have any questions, please contact me at (512) 389-4579.

Sincerely,

Suzanne Walsh

Transportation Conservation Coordinator  
Wildlife Division – Wildlife Habitat Assessment Program  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, TX 78744  
Phone: (512) 389-4579  
[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)

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A Texas Department of Transportation message



## Suzanne Walsh

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**From:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>  
**Sent:** Thursday, December 15, 2022 11:22 AM  
**To:** Suzanne Walsh  
**Cc:** Andrew Blair; Tracy White; Tricia Bruck-Hoyt-C; Angela McMurray-C  
**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

**ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.**

Suzanne,  
My apologies. I meant to also include our full list of BMPs, as requested. Please see the list below.  
Thanks!  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096

### **Aquatic Amphibian and Reptile BMPs** - Language from BMP agreement (Sept. 2021)

The following Aquatic Amphibian and Reptile BMP apply to projects within the range and in suitable habitat for herpetofauna SGCN listed below and that are also listed on TPWD's RTEST online application. Please note that some species may require both aquatic and terrestrial BMP. It is difficult to confirm absence for most species of amphibians and reptiles; therefore, assume presence in suitable habitat and implement the following BMP.

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species: Black-spotted newt (*Notophthalmus meridionalis*), Cascade Caverns salamander (*Eurycea latitans*), Texas salamander (*Eurycea neotenes*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*)
- For projects within existing right-of-way (ROW) when work is in water or will permanently impact a water feature and potential habitat exists for the target species complete the following:
  - Minimize impacts to wetlands, temporary and permanent open water features, including depressions, and riverine habitats.
  - Maintain the existing hydrologic regime and any connections between wetlands and other aquatic features.
  - Use barrier fencing to direct animal movements away from construction activities and areas of potential wildlife-vehicle collisions in construction areas directly adjacent, or that may directly impact, potential habitat for the target species.
  - Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas. If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural

fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.

- Project specific locations (PSLs) proposed within state-owned ROW should be located in uplands away from aquatic features.
- When work is directly adjacent to the water, minimize impacts to shoreline basking sites (e.g., downed trees, sand bars, exposed bedrock) and refugia/overwinter sites (e.g., brush and debris piles, crayfish burrows, aquatic logjams, and leaf packs).
- For projects that require acquisition of additional ROW and work within that new ROW is in water or will permanently impact a water feature, implement BMP for projects within existing ROW above plus those below:
  - For culvert extensions and culvert replacement/installation, incorporate measures to funnel animals toward culverts such as concrete wingwalls and barrier walls with overhangs.
  - When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of terrestrial or aquatic wildlife through the water feature.

#### **Bat BMPs** - Language from BMP agreement (Sept. 2021)

The following Bat BMP apply to projects within the range and in suitable habitat for all bat SGCN and that are also listed on TPWD's RTEST online application. Review the habitat descriptions for species of interest on RTEST and other trusted resources to determine the appropriate beneficial management practice to avoid or minimize impacts to bats. All bat surveys and other activities that include direct contact with bats shall comply with TPWD-recommended white-nose syndrome protocols located on the TPWD Wildlife Habitat Assessment Program website under "Project Design and Construction".

The following survey and exclusion protocols should be followed prior to commencement of construction activities. For the purposes of this document, structures are defined as bridges, culverts (concrete or metal), wells, and buildings.

- Inform TPWD WHAB during initial collaborative review phase for projects that may impact the following bat species: Any *Myotis* spp. And Tricolored bat (*Perimyotis subflavus*).
- If identification of a bat species is in question, consult with TPWD or a qualified TxDOT biologist during initial collaborative review phase.
- For activities that have the potential to impact structures, cliffs or caves, or trees; a qualified biologist will perform a habitat assessment and occupancy survey of the feature(s) with roost potential as early in the planning process as possible or within one year before project letting.
- For roosts where occupancy is strongly suspected but unconfirmed during the initial survey, revisit feature(s) at most four weeks prior to scheduled disturbance to confirm absence of bats.
- If bats are present or recent signs of occupation (i.e., piles of guano, distinct musky odor, or staining and rub marks at potential entry points) are observed, take appropriate measures to ensure that bats are not harmed, such as implementing non-lethal exclusion activities or timing or phasing of construction.
- Exclusion devices can be installed by a qualified individual between September 1 and March 31. Exclusion devices should be used for a minimum of seven days when minimum nighttime temperatures are above 50°F AND minimum daytime temperatures are above 70°F. Prior to exclusion, ensure that alternate roosting habitat is available in the immediate area. If no suitable roosting habitat is available, installation of alternate roosts is recommended to replace the loss of an occupied roost. If alternate roost sites are not provided, bats may seek shelter in other inappropriate sites, such as buildings, in the surrounding area.
- If feature(s) used by bats are removed as a result of construction, replacement structures should incorporate bat-friendly design or artificial roosts should be constructed to replace these features.
- Conversion of property containing cave or cliff features to transportation purposes should be avoided.

- Avoid unnecessary removal of dead fronds on native and ornamental palm trees in south Texas (Cameron, Hidalgo, Willacy, Kenedy, Brooks, Kleberg, Nueces, and San Patricio counties) from April 1 through October 31. If removal of dead fronds is necessary at other times of the year, limit frond removal to extended warm periods (nighttime temperatures  $\geq 55^{\circ}\text{F}$  for at least two consecutive nights), so bats can move away from the disturbance and find new roosts.
- Large hollow trees, snags (dead standing trees), and trees with shaggy bark should be surveyed for colonies and, if found, should not be disturbed until the bats are no longer occupying these features. Post-occupancy surveys should be conducted by a qualified biologist prior to tree removal from the landscape.
- Retain mature, large diameter hardwood forest species and native/ornamental palm trees.
- If gating a cave or abandoned mine is desired, consult with TPWD before installing gates. Gating should only be conducted by qualified groups with a history of successful gating operations. Gate designs must be approved by TPWD.
- In all instances, avoid harm or death to bats. Bats should only be handled as a last resort and after communication with TPWD.
- Coordinate with TPWD about the latest bat handling restrictions and protocols involving COVID19 and bat handling. In general, all staff must follow the guidelines listed below:
  - Do not handle bats if not part of a critical or time-sensitive research project. Contact TPWD to discuss your project needs before beginning work.
  - All participants must follow CDC social-distancing guidelines.
  - Wear a face mask to minimize the exchange of respiratory droplets such as a surgical mask, dust mask, or cloth mask when within 6 feet of a living bat.
  - Use disposable exam gloves or other reusable gloves (e.g., rubber dish-washing gloves) that can be decontaminated to prevent spread of pathogens. Do not touch your face or other potentially contaminated surfaces with your gloves prior to handling bats.
  - Limit handling to as few handlers as possible.
  - Do not blow on bats for any reason.
  - Use separate temporary holding containers for each bat such as disposable paper bags.
  - Caves housing bats should be avoided unless absolutely necessary.
  - Implement additional disinfection, quarantine, and cleaning procedures.
- Bat surveys of structures should include visual inspections of structural fissures (cracked or spalled concrete, damaged or split beams, split or damaged timber railings), crevices (expansion joints, space between parallel beams, spaces above supports piers), and alternative structures (drainage pipes, bolt cavities, open sections between support beams, swallow nests) for the presence of bats.
- Before excluding bats from any occupied structure, bat species, weather, temperature, season, and geographic location must be incorporated into any exclusion plans to avoid unnecessary harm or death to bats. Winter exclusion must entail a survey to confirm either, 1) bats are absent or 2) present but active (i.e., continuously active – not intermittently active due to arousals from hibernation).
  - Avoid using materials that degrade quickly, like paper, steel wool or rags, to close holes.
  - Avoid using products or making structural modifications that may block natural ventilation, like hanging plastic sheeting over an active roost entrance, thereby altering roost microclimate.
  - Avoid using chemical and ultrasonic repellents.
  - Avoid use of silicone, polyurethane or similar non-water-based caulk products.
  - Avoid use of expandable foam products at occupied sites.
  - Avoid the use of flexible netting attached with duct tape.
- In order to avoid entombing bats, exclusion activities should be only implemented by a qualified individual. A qualified individual or company should possess at least the following minimum qualifications:
  - Experience in bat exclusion (the individual, not just the company).
  - Proof of rabies pre-exposure vaccinations.

- Demonstrated knowledge of the relevant bat species, including maternity season date range and habitat requirements.
- Demonstrated knowledge of rabies and histoplasmosis in relation to bat roosts.
- Contact TPWD for additional resources and information to assist in executing successful bat exclusions that will avoid unnecessary harm or death in bats.

**Fish BMPs** - Language from BMP agreement (Sept. 2021)

The following Fish BMP apply to projects for all fish species in waters of the state to minimize impacts to water quality and aquatic passage from transportation projects.

- For projects in waters of the state and work is adjacent to water: Water Quality and Stream Crossing BMP.
- For projects in waters of the state and work is in the water: Water Quality, Stream Crossing, and Dewatering BMP.

**Terrestrial Amphibian and Reptile BMPs** - Language from BMP agreement (Sept. 2021)

The following Terrestrial Amphibian and Reptile BMP apply to projects within the range and in suitable habitat for herpetofauna SGCN listed below and that are also listed on TPWD's RTEST online application. Please note that some species may require both aquatic and terrestrial BMP. It is difficult to confirm absence for most species of amphibians and reptiles; therefore, assume presence in suitable habitat and implement the following BMP.

- Inform TPWD WHAB during initial collaborative review phase for projects that may affect habitat for the following species: Black-spotted newt (*Notophthalmus meridionalis*), Brazos water snake (*Nerodia harteri*), Concho water snake (*Nerodia paucimaculata*), Dunes sagebrush lizard (*Sceloporus arenicolus*), Tamaulipan spot-tailed earless lizard (*Holbrookia subcaudalis*).
- Avoid or minimize disturbing or removing cover objects, such as downed trees, rotting stumps, brush piles, and leaf litter. If avoidance or minimization is not practicable, consider removing cover objects prior to the start of the project and replace them at project completion.
- Examine heavy equipment stored on site before use, particularly after rain events when reptile and amphibian movements occur more often, to ensure use will not harm individuals that might be seeking temporary refuge.
- Due to increased activity (mating) of reptiles and amphibian during the spring, construction activities like clearing or grading should attempt to be scheduled outside of the spring (March-May) season. Also, timing ground disturbing activities before October when reptiles and amphibians become less active and may be using burrows in the project area is also encouraged.
- When designing roads with curbs, consider using Type I or Type III curbs to provide a gentle slope to enable turtles and small animals to get out of roadways.
- If Texas tortoises (*Gopherus berlandieri*) or box turtles (*Terrepenne spp.*) are present in a project area, they should be removed from the area and relocated between 100 and 200 meters from the project area.
- Rolled erosion control mesh material should not be used.
- The exclusion fence should be buried at least 6 inches deep and be at least 24 inches high.
- The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated

**Vegetation BMPs** - Language from BMP agreement (Sept. 2021)

Minimize the amount of vegetation cleared. Removal of native vegetation, particularly mature native trees and shrubs should be avoided. Impacted vegetation should be replaced with in-kind onsite replacement/restoration of native vegetation.

- To minimize adverse effects, activities should be planned to preserve mature trees, particularly acorn, nut or berry producing varieties. These types of vegetation have high value to wildlife as food and cover.



- It is strongly recommended that trees greater than 12 inches in diameter at breast height (DBH) that are removed be replaced. TPWD's experience indicates that for ecologically effective replacement, a ratio of three trees for every one (3:1) lost should be provided to either on-site or off-site. Trees less than 12 inches DBH should be replaced at a 1:1 ratio.
- Replacement trees should be of equal or better wildlife quality than those removed and be regionally adapted native species.
- When trees are planted, a maintenance plan that ensures at least an 85 percent survival rate after three years should be developed for the replacement trees.
- The use of any non-native vegetation in landscaping and revegetation is discouraged. Locally adapted native species should be used.
- The use of seed mix that contains seeds from only regional ecotype native species is recommended

**Water Quality BMPs** - Language from BMP agreement (Sept. 2021)

In addition to BMP required for a TCEQ Storm Water Pollution Prevention Plan and/or 401 Water Quality Certification:

- Minimize the use of equipment in streams and riparian areas during construction. When possible, equipment access should be from banks, bridge decks, or barges.
- When temporary stream crossings are unavoidable, remove stream crossings once they are no longer needed and stabilize banks and soils around the crossing.
- Wet-Bottomed detention ponds are recommended to benefit wildlife and downstream water quality. Consider potential wildlife-vehicle interactions when siting detention ponds.
- Rubbish found near bridges on TxDOT ROW should be removed and disposed of properly to minimize the risk of pollution. Rubbish does not include brush piles or snags.

**Rare Plant BMPs** - Language from BMP agreement (Sept. 2021)

The following plant BMP apply to projects within range of and in suitable habitat for all plant SGCN that are listed on TPWD's RTEST online application.

- Survey project area during appropriate seasons to allow for correct species identification. Habitat and survey seasons are usually during the flowering and/or fruiting period listed on the RTEST website, if available. Surveys should be performed within suitable habitat for the species. Survey effort is project-, species- and habitat-dependent. Botanical field surveys should be conducted by qualified individual(s) with botanical experience and according to commonly accepted survey protocols. Ensure that any equipment, tools, footwear and clothing are clean prior to entering the project site area to avoid introducing invasive species. Prior to surveying, TPWD Staff is available to provide assistance with species identification and appropriate survey effort.
- If SGCN plants are located, the surveyor should attempt to determine the complete extent of the occurrence and the approximate number of individuals within the occurrence. Suitable GPS equipment should be used to map the boundaries of the population. Photographs should be taken and/or voucher specimens should be collected (if sufficient plants are present, i.e., more than 10 reproductive plants). Please note that a state collection permit is required from TPWD to collect voucher specimens of state-listed species and a federal collection permit is required from U.S. Fish and Wildlife Service (USFWS) to collect federally listed species. Photographs should capture diagnostic characters of the species for verification and should be discussed with TPWD Staff prior to surveys if surveyor is unfamiliar with the species. Vouchers should be deposited with TPWD Staff or in one of Texas' major herbaria (e.g., University of Texas at Austin, Botanical Research Institute of Texas, Texas A&M University, Sul Ross State University, etc.).
- If there is a known TXNDD SGCN plant population within the project area and project timing or other constraints do not allow for surveys, contact TPWD Transportation Staff as soon as possible to discuss other options.
- If an SGCN plant species is located during surveys of the project area, then complete the following during the construction phase:

- a. Avoid impacts and minimize unavoidable impacts. Plant locations should be protected with temporary barrier fencing and contractors should be instructed to avoid protected areas. Conducting construction outside of the growing season or after a plant has produced mature fruit is the preferred way to avoid/minimize impacts to SGCN plant populations. Staging areas, stockpiles, and other project related sites on TxDOT ROW should not impact SGCN plant populations. After construction begins, minimize herbicide use near SGCN plant populations (if possible, use hand-held spot sprayers, several meters from rare plants, on still or days with little wind).
  - b. If there are unintended impacts to SGCN populations, these impacts should be reported to TPWD Transportation Staff.
  - c. If the project footprint is finalized or is subject to change AND impacts to SGCN plants cannot be avoided, notify TPWD Transportation Staff as soon as possible. Early notification will allow adequate time and opportunity to seed bank or otherwise conserve populations prior to construction.
- Submit observation(s) of SGCN plant populations and associated data to the TXNDD and [WHAB TxDOT@tpwd.texas.gov](mailto:WHAB_TxDOT@tpwd.texas.gov). A TXNDD Reporting Form with shapefiles delineating the outer boundary of the population are preferable. Include detailed information on who identified and how a species was identified (resources/references used; diagnostic characters observed). If an SGCN plant population is located near non-native invasive plants, this should be recorded and reported in TXNDD Reporting Form.
  - Although these BMP do not apply to federally listed species, the observation of federally listed species should also be submitted to TPWD.
  - During project period, conduct work during times of the year when plants are dormant and/or conditions minimize disturbance of the habitat.
  - Develop a plan based on growing season, mower height/season, etc. for protecting sites into future. Maps should also be developed for rare plant area, which includes no mow areas. Known rare plant sites on ROWs and/or new sites found in future projects can be added to this map/plan.
  - Conducting maintenance outside of the growing season or after a plant has produced mature fruit is the preferred way to avoid/minimize impacts to habitat.

**Aquatic Invertebrate BMPs** - Language from BMP agreement (Sept. 2021)

The following Aquatic Invertebrate BMP apply to projects within the range and in suitable habitat for all aquatic invertebrate SGCN and that are also listed on TPWD's RTEST online application.

- For projects within the range of a SGCN or state-listed species and work is adjacent to water: Water Quality and Stream Crossing BMP.
- For projects within the range of a SGCN or state-listed species and work is in the water: Water Quality, Stream Crossing, and Dewatering BMP.
- For spring-seep associated caddisflies (*Cheumatopsyche morsei*, *Chimarra holzenthali*, and *Hydroptila ouachita*): Avoid or minimize impacts to the natural riparian buffer along stream channel including native shrubs and trees.

Contractors will be advised of the potential occurrence of SGCN species and to avoid harming the species, if encountered.

---

**From:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>

**Sent:** Thursday, December 15, 2022 10:14 AM

**To:** Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>

**Cc:** Andrew Blair <Andrew.Blair@txdot.gov>; Tracy White <Tracy.White@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-

C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>

**Subject:** RE: TxDOT Early Coordination\_I-35 Capital Express Central EIS (0015-13-388)

Hi Suzanne,

Thank you for providing TPWD's comments and recommendations through the coordination process for this project. I have included TPWD's comments below and TxDOT's responses in *Blue Text*.

Sincerely,

Sonya

Sonya Y. Hernandez, P.G.

Environmental Program Manager

Austin District

Texas Department of Transportation

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

TxDOT's 300.04 *Form to Document TPWD BMP* indicates that the district will implement BMP from several categories. TPWD is interested in the specific measures that TxDOT will implement for this project and requests that the district provide the full BMP language (i.e. bulleted list of individual BMP within a category).

***TxDOT Response:** The full BMP language for the BMPs that TxDOT is planning to implement (from TxDOT's 300.04 Form to Document TPWD BMP) are included in the subsequent pages.*

TPWD recommends that the district implement the following General Design and Construction BMP:

- Direct animals away from the construction area with the judicious use and placement of sediment control fencing to exclude wildlife. Exclusion fence should be buried at least 6 inches and be at least 24 inches high, maintained for the life of the project, and removed after construction is completed. Contractors should examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities.
- Apply hydromulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.
- If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.
- Project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.
- When lighting is added, consider wildlife impacts from light pollution and incorporating dark-sky practices into design strategies. Minimize sky glow by focusing light downward, with full cutoff luminaires to avoid light emitting above the horizontal. The minimum amount of night-time lighting needed for safety and security should be used.

***TxDOT Response:***

*Of the General Design and Construction BMP recommended by TPWD, TxDOT will implement the following:*

- *Apply hydro mulching and/or hydroseeding in areas for soil stabilization and/or revegetation of disturbed areas around wetlands and in riparian areas.*

- *If erosion control blankets or mats will be used, the product should not contain netting, but should only contain loosely woven natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic netting should be avoided.*
- *Where practical, project staging areas, stockpiles, temporary construction easements, and other project related sites should be situated in previously disturbed areas to avoid or minimize impacts to sensitive or unique habitats including intact native vegetation, floodplains, riparian corridors, wetlands, playa lakes, and habitat for wildlife species.*

***TxDOT's general comments:***

- *Sediment control fencing will be utilized during construction for erosion control, but not as an intentional means of excluding wildlife.*

*The lighting plan for this project has not been developed at this point. The primary purpose of the lighting on I-35 is to illuminate the highway. The lighting will include lights focused downward toward the highway, with full cutoff luminaries.*

TPWD recommends that the district implement Stream Crossing BMP:

- Use spanning bridges rather than culverts.
- If using a culvert, staggered culverts that concentrate low flows but provide conveyance of higher flows through staggered culverts placed at higher elevations is recommended.
- Bottomless culverts are recommended to allow for fish and other aquatic wildlife passage in the low flow channel. If bottomless culverts are not used, making a low flow channel for fish passage is recommended.
- Avoid placing riprap across stream channels and instead use alternative stabilization such as biotechnical stream bank stabilization methods including live native vegetation or a combination of vegetative and structural materials. When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation.
- Incorporate bat-friendly design into bridges and culverts.
- Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.
- A span wide enough to cross the stream and allow for dry ground and a natural surface path under the roadway is encouraged. For culverts, incorporation of an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife is recommended.
- Riparian buffer zones should remain undisturbed.

***TxDOT Response:***

*Of the Stream Crossing BMP recommended by TPWD, TxDOT will implement the following:*

- *Use spanning bridges rather than culverts, where practical.*
- *Design bridges for adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road.*

***TxDOT's general comments:***

- *There are no perennial streams within the project limits and therefore fish passage was not a design consideration.*
- *TxDOT does not have any plans to do rip-rap bank stabilization on this project.*
- *TxDOT observed swallow nests but did not find any evidence of bats under bridges during the site visits. Habitat for the cave myotis bat (no known colony, possible habitat where swallow nests were observed on bridge over Lady Bird Lake) is disclosed in the Draft EIS. TxDOT and the City of Austin are evaluating the feasibility of adding bat boxes the proposed I-35 bridge over Lady Bird Lake.*

- *Due to the urban setting and their extensive length, the culverts within the project's limits are not suitable for wildlife passage for most wildlife species.*

TPWD recommends that the district implement Invasive Species BMP:

- For all work in water bodies designated as 'infested' or 'positive' for invasive zebra (*Dreissena polymorpha*) or quagga mussels (*Dreissena bugensis*) on <http://texasinvasives.org/zebramussels/> as well as waters downstream of these lakes, all machinery, equipment, vessels, or vehicles coming in contact with such waters should be cleaned prior to leaving the site to remove any mud, plants, organisms, or debris, water drained (if applicable), and dried completely before use in another water body to prevent the potential spread of invasive mussels.
- Care should be taken to prevent the spread of aquatic and terrestrial invasive plants during construction activities. Educate contractors on how to identify common invasive plants and the importance of proper equipment cleaning, transport, and disposal of invasive plants in a manner and location that prevents spread when invasive plants are removed during construction.
- Care should be taken to avoid the spread of aquatic invasive plants such as giant Salvinia (*Salvinia molesta*), common salvinia (*Salvinia minima*), hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia* spp.), Eurasian watermilfoil (*Myriophyllum spicatum*), water lettuce (*Pistia stratiotes*), and alligatorweed (*Alternanthera philoxeroides*) from infested water bodies into areas not currently infested. All machinery, equipment, vessels, boat trailers, or vehicles coming in contact with waters containing aquatic invasive plant species should be cleaned prior to leaving the site to remove all aquatic plant material and dried completely before use on another water body to prevent the potential spread of invasive plants. Removed plants should be transported for disposal in a secure manner to prevent dispersal.
- Colonization by invasive plants should be actively prevented on disturbed sites in terrestrial habitats. Vegetation management should include removing or chemically treating invasive species as soon as practical while allowing the existing native plants to revegetate the disturbed areas; repeated removal or treatment efforts may be needed. Only native or non-invasive plants should be planted. Care should be taken to avoid mowing invasive giant reed (*Arundo donax*), which spreads by fragmentation, and to clean equipment if inadvertently mowed to prevent spread. If using hay bales for sediment control, use locally grown weed-free hay to prevent the spread of invasive species. Leave the hay bales in place and allow them to break down, as this acts as mulch assisting in revegetation.
- Aquatic invasive species (e.g., tilapias (*Oreochromis* spp., *Tilapia zillii*), suckermouth armored catfish (*Hypostomus plecostomus*, *Pterigoplichthys* spp.), Asian clams (*Corbicula fluminea*), zebra mussels (*Dreissena polymorpha*)) or those not native to the subwatershed should not be relocated but rather should be dispatched. Invasive mussels attached to native mussels should be removed and destroyed or disposed prior to relocation of the native mussels. Prohibited aquatic invasive species, designated as such in 31 TAC §57.112, should be killed upon possession.

***TxDOT Response:*** *We agree to implement these invasive species BMPs.*

Additionally, will TxDOT be performing surveys for SGCN plants in the project area, particularly around Ladybird Lake?

***TxDOT Response:*** *TxDOT will make an effort to look for these rare plant species as we continue fieldwork for this project. We will submit any new records to TxNDD.*

Will there be any impacts to parks from the proposed project?

***TxDOT Response:*** *Yes, TxDOT anticipates permanent acquisition of parkland at Waller Beach (I-35/Lady Bird Lake - NW corner) and temporary easements at Edward Rendon Sr. Metro Park (I-35/Lady Bird Lake - NE corner), Norwood Tract (I-35/Lady Bird Lake - SW corner) and the Ann and Roy Butler Hike and Bike Easement (I-35/Lady Bird Lake - SE corner). TxDOT has been coordinating with the City of Austin and TPWD (Amy Grossman) on the potential impacts to parkland.*

# Aquatic Resource Relocation Plan

**Aquatic Resource Relocation Plan  
Capital Express Central Stormwater Outfall Structure at the Colorado River  
Travis County, Texas**

**Prepared by:**  
Texas Department of Transportation  
125 E. 11th Street  
Austin, TX 78701-2483

August 10, 2022

**1) A description of the project and associated aquatic/instream activities with sufficient detail for department staff to evaluate the risk to aquatic resources.**

The Texas Department of Transportation (TxDOT) is planning to conduct in-stream activities at the Capital Express Central Stormwater Outfall Structure adjacent to the Colorado River in Travis County, Texas for the Interstate Highway (IH) 35 project. This outfall will drain stormwater from a downtown portion of IH 35 via an underground pipe running beneath East Cesar Chavez Street. A map of the stormwater outfall location is shown in Figure 1. The area of direct impact (ADI), including associated buffers, and proposed survey area are shown in Figure 2. To prevent impacts to native freshwater mussels (Unionidae) that could potentially be present, TxDOT plans to search for and relocate mussels per the methodology included in this plan, which is based on the Texas Freshwater Mussel Survey Protocol (Protocol) developed jointly by the US Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD). If any proposed federal listed freshwater mussels were to be found at this site, they would not be relocated during this effort but would be included as part of a future Aquatic Resource Relocation Plan (ARRP) to be developed as part of the conference with USFWS and submitted at a later date.

**2) A computer generated map showing the project location and the relocation site, including the county, GPS coordinates, and the Texas Commission on Environmental Quality (TCEQ) water body segment number.**

A map of the survey area and the proposed relocation site is shown in the attached Figure 2. Coordinates for the centroid of the project site are 30.251205°N, -97.706157°W. Coordinates for the relocation site are 30.250649°N, -97.710173°W.

The project occurs in the Colorado River, in the watershed of TCEQ water body segment number 1428.

**3) Expected start dates of the project and the aquatic resource relocation.**

The Phase 1 and Phase 2 (if needed) surveys are expected to be done in late August - early September 2022 as flow and temperature conditions allow.

- 4) Identify any state or federally threatened or endangered species that may occur. Explain what methods will be used to protect these species. If the project area contains any state or federally listed freshwater mussels, a mussel survey may be necessary prior to approval of the ARRP.**

The stream grouping designation for the portion of the Colorado River within the project area is Group 2. There are no known occurrences of state listed freshwater mussel species documented in the Texas Natural Diversity Database at this location. The Mussels of Texas Database has a historic record (unknown date) of Texas pimpleback (*Cyclonaias petrina*), Texas fatmucket (*Lampsilis bracteata*), and Texas fawnsfoot (*Truncilla macrodon*) from a location approximately two river miles upstream of the project area (at IH 35). The next closest record (November 9, 1975) of proposed listed species to the project site is of Texas pimpleback and Texas fawnsfoot in Bastrop. This survey is being performed to satisfy TPWD's requirement to survey all perennial waterbodies based on the presumption that all perennial water is potentially habitat for state listed mussel species that occur in the basin. See basin specific freshwater species list for species potentially occurring at the project location (Attachment A).

- 5) List all shellfish that may become stranded due to the operation. Explain what methods will be used to protect these shellfish including freshwater mussels (See Attachment 2 for Freshwater Fish and Shellfish Handling Protocols).**

There are no plans to dewater the project area as part of this Aquatic Resource Relocation Plan.

- 6) List all known exotic and invasive species in the project area. Describe decontamination procedures for preventing the spread of exotic and invasive species. See link below for more information: <http://tpwd.texas.gov/huntwild/wild/species/exotic/>**

Non-native Asian clams (*Corbicula* spp.) may occur at this location but will not be relocated. Invasive mussel species such as zebra mussels (*Dreissena polymorpha*) continue to expand their range in Texas and may occur at this location.

Field staff will comply with 31 TAC §57.112 regarding special provisions to prevent spread of exotic species. All equipment (i.e., boots, buckets, mesh bags, etc.) and vehicles will be inspected, and any plant material, mud, or other debris will be removed before leaving the project site. Also, all water from receptacles will be drained before leaving the survey area, and all equipment will be allowed to dry completely before use in another water body.

If zebra mussels are encountered at the project location, TxDOT will notify TPWD biologists Monica McGarrity at 512-552-3465 and/or Brian Van Zee at 254-495-8341.

Also, if zebra mussels are encountered, field staff will implement the following protective measures to prevent the further spread of zebra mussels:

- (1) Spray/rinse all equipment and vehicles, using hot and/or high pressure water as soon as possible after leaving the site,
- (2) Drain all water from receptacles before leaving the area, and



(3) Allow all equipment to dry completely before use in another water body.

**7) Methods of collecting and relocating aquatic resources, including the types and sizes of containers used, the mode of transportation, and best management practices (BMPs) to protect aquatic resources. Provide an estimate of the time expected to complete the collection and relocation.**

**Phase 1 Cell Survey**

A cell survey shall be conducted by dividing each survey area into a series of cells in which each cell is surveyed, and data recorded by cell. The maximum acceptable cell size is 100 m<sup>2</sup>. Within each cell, surveyors shall visually/tactilely search the area for mussels and record all data separately for each cell. The entire cell must be covered and search efforts per cell shall be 0.5 min/m<sup>2</sup> for cells containing homogenous substrates consisting of bedrock sheets, silt, and/or sand or 0.75 min/m<sup>2</sup> for cells containing heterogenous substrates consisting of mixtures of silt, sand, gravel, cobble, boulder, and/or bedrock.

If the visibility meets or exceeds one-half meter (50 cm, or approx. 20 in), with or without lights at depth of survey, survey effort may be reduced from 0.5 min/m<sup>2</sup> or 0.75 min/m<sup>2</sup> to 0.2 min/m<sup>2</sup> if no mussels are observed within a cell. If mussels are observed within a cell, the standard 0.5 min/m<sup>2</sup> or 0.75 min/m<sup>2</sup> search effort is required. To apply the reduced sampling effort exception, documentation of the improved visibility must be photo-documented (via secchi disc, depth rod, etc.) and presented within the survey report. If previously waived visibility requirements deteriorate during completion of the survey, the standard sampling effort will be used for areas searched following the visibility reduction.

During the Phase 1 cell survey, qualified biologists will systematically search for and record all live mussels occurring within the proposed survey area which includes the ADI and starts at a point approximately 30 m upstream of the upstream side of the ADI to a point approximately 100 m downstream of the downstream side of the ADI. Because the ADI falls within a narrow secondary channel of the river, the 10 m lateral buffer of the ADI would not fall within the wetted channel and so is not included in the survey area. The search is expected to be both visual and tactile. All live mussels collected will be placed in mesh bags and held in stream until the end of the search period. At the end of the search period, federally proposed species will be placed back into suitable habitat within the survey area. All other species will be carried in mesh bags to a suitable relocation site upstream and hand placed in areas of suitable substrate.

The entire search and removal are expected to be completed in 1 day. The proposed relocation site is shown in Figure 2.

**Phase 2 Cell Survey**

Quantitative sampling will be completed for all cells that based on the Phase 1 results meet one of the three following triggers:

- State-listed, federal-listed, federal candidate, and/or federal petitioned species are observed;
- Mussel density of equal to or greater than 0.5 mussels/m<sup>2</sup> are observed; or

- Observation of at least two species, live or fresh dead (still containing soft tissue), that are not listed in the following Diverse Freshwater Mussel Assemblage Exceptions listed below.

**Diverse Freshwater Mussel Assemblage Exceptions**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Leptodea fragilis</i>	Fragile papershell
<i>Pyganodon grandis</i>	Giant floater
<i>Unio merus declivis</i>	Tapered Pondhorn
<i>Unio merus tetralasmus</i>	Pondhorn
<i>Utterbackia imbecillis</i>	Paper Pondshell
<i>Utterbackiana suborbiculata</i>	Flat floater

If no federally proposed mussel species are observed during Phase 1 sampling, quantitative sampling will only be conducted in the prescribed salvage zone (ADI + 30 m upstream and 100 m downstream buffers) within cells where one of the triggers are met. At sites where federally proposed mussel species are observed, quantitative sampling will be performed within the salvage zone where any of the 3 triggers are met. Quantitative data collected for federally proposed species will be used to calculate direct and/or indirect impacts during conference/consultation with the USFWS, if necessary.

The Phase 2 survey shall consist of excavating 0.25 m<sup>2</sup> quadrats using a systematic, three random start methodology. Substrate shall be excavated to a depth of 15 cm (6 in) or hardpan. The material shall be collected and taken to the surface and sorted, removing all live and dead shell material. The minimum number of samples requested is based on the rate of 1 quadrat per 5 m<sup>2</sup> of delineated area of the cells that met the above triggers. For sites that meet diversity or density triggers, but not the protected species trigger, the boundary of the Phase 2 quantitative sampling should not extend beyond the boundary of the salvage zone. A minimum of 50 quadrat samples shall be collected regardless of size of the area within the salvage zone that met the above triggers.

**8) Describe how the receiving waters will be protective of aquatic life (i.e., sufficient dissolved oxygen levels, water body size and flow, and similar habitat as the source water).**

The proposed relocation site will be in the Colorado River upstream approximately 200-400 meters of the project site. Therefore, it is presumed that ambient water quality will be similar between the survey and relocation areas. The selection of the specific relocation site(s) will adhere to the methods described in the Protocol. Substrates will be compared between the project and relocation sites to ensure, to the extent possible, mussels are placed in habitat like that which they are removed from. Selecting the specific relocation site after locating mussels will ensure relocation site habitats are like habitats at the project site.

**9) Describe how dead fish and shellfish, as well as exotic and invasive species, will be disposed of and documented. Documentation should include no less than the species and**

**number of individuals found dead, or disposed of, including the lengths (inches) of all fish for both native and non-native species.**

No fish will be collected as part of this relocation activity. A record will be kept of all live unionids collected from the removal area. There are no non-native unionids known to occur in the project area. Other non-native mussels, such as *Corbicula* spp. (Corbiculidae), occur at this location but will not be removed from the stream during relocation activities. Any shell material from native unionids that is found will be left in the river where it was retrieved or retained for educational purposes.

**Figure 1.** Capital Express South Stormwater Outfall Structure location map at the Colorado River in Travis County, Texas. The Colorado River flows from west to east at this location.



**Figure 2.** Project footprint and proposed survey area. Orange area is the ADI, light blue is the upstream buffer area, pink is the downstream buffer area, and green is the proposed relocation area upstream of the project.



## Attachment A

### Colorado River Basin Freshwater Mussel Species

Scientific Name	Common Name
<i>Amblema plicata</i>	Threeridge
<i>Arcidens confragosus</i>	Rock pocketbook
<i>Cyclonaias petrina</i>	Texas pimpleback
<i>Cyclonaias pustulosa</i>	Pimpleback
<i>Cyrtonaias tampicoensis</i>	Tampico pearlymussel
<i>Fusconaia mitchelli</i>	False spike
<i>Glebula rotundata</i>	Round pearlshell
<i>Lampsilis bracteata</i>	Texas fatmucket
<i>Lampsilis teres</i>	Yellow sandshell
<i>Leptodea fragilis</i>	Fragile papershell
<i>Potamilus purpuratus</i>	Bleufer
<i>Pyganodon grandis</i>	Giant floater
<i>Quadrula apiculata</i>	Southern mapleleaf
<i>Sagittunio subrostrata</i>	Pondmussel
<i>Strophitus undulatus</i>	Creeper
<i>Toxolasma parvum</i>	Lilliput
<i>Toxolasma texasiense</i>	Texas lilliput
<i>Tritogonia verrucosa</i>	Pistolgrip
<i>Truncilla macrodon</i>	Texas fawnsfoot
<i>Unio merus declivis</i>	Tapered pondhorn
<i>Unio merus tetralasmus</i>	Pondhorn
<i>Utterbackia imbecillis</i>	Paper pondshell

**From:** Travis Tidwell (HQ) <Travis.Tidwell2@tpwd.texas.gov>  
**Sent:** Wednesday, August 10, 2022 3:53 PM  
**To:** Tracy White  
**Cc:** Andrew Blair; Mark Fisher; Dennis Palafox; Johnson, Matthew S; Williams, Christina; Doss, Sasha S  
**Subject:** RE: ARRP and Relocation Permit for IH 35 Capital Express Central outfall structure @ Colorado River

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

Hello Tracy,

Thank you for the revisions. TPWD approves this ARRP. Matt et al. with USFWS are copied on here to provide comments/concurrence. Please let me know if you have any questions. Thank you.

**Travis Tidwell**

Kills and Spills Biologist – Region I  
Texas Parks & Wildlife Department  
Office: 512.389.8612  
Cell: 512.422.8054



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**From:** Tracy White <Tracy.White@txdot.gov>  
**Sent:** Wednesday, August 10, 2022 10:57 AM  
**To:** Travis Tidwell (HQ) <Travis.Tidwell2@tpwd.texas.gov>  
**Cc:** Andrew Blair <Andrew.Blair@txdot.gov>; Mark Fisher <Mark.Fisher@txdot.gov>; Dennis Palafox <Dennis.Palafox@txdot.gov>; Johnson, Matthew S <matthew\_s\_johnson@fws.gov>; Williams, Christina <christina\_williams@fws.gov>; Doss, Sasha S <sasha\_doss@fws.gov>  
**Subject:** RE: ARRP and Relocation Permit for IH 35 Capital Express Central outfall structure @ Colorado River

**ALERT:** This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Hi, all –

I've attached the revised ARRП addressing y'all's comments. Please let me know if there are any further questions.

Thank you!

Tracy

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**From:** Travis Tidwell (HQ) <[Travis.Tidwell2@tpwd.texas.gov](mailto:Travis.Tidwell2@tpwd.texas.gov)>

**Sent:** Monday, August 8, 2022 7:21 PM

**To:** Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>

**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Mark Fisher <[Mark.Fisher@txdot.gov](mailto:Mark.Fisher@txdot.gov)>; Dennis Palafox <[Dennis.Palafox@txdot.gov](mailto:Dennis.Palafox@txdot.gov)>; Johnson, Matthew S <[matthew\\_s\\_johnson@fws.gov](mailto:matthew_s_johnson@fws.gov)>; Williams, Christina <[christina\\_williams@fws.gov](mailto:christina_williams@fws.gov)>; Doss, Sasha S <[sasha\\_doss@fws.gov](mailto:sasha_doss@fws.gov)>

**Subject:** RE: ARRП and Relocation Permit for IH 35 Capital Express Central outfall structure @ Colorado River

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

Hello Tracy,

Matt Johnson and I have reviewed the ARRП and we have the following comments:

- Is the outfall a stormwater outfall? If so, would you please clarify that this is for stormwater in the Project Description section?
- The prescribed buffer zone for a Group 2 Stream is 50 m upstream and 100 m downstream. Please expand the buffer zones to the appropriate size or provide justification for a reduced buffer zone. As stated in the ARRП, the 10 m lateral buffer is not needed due to the narrowness of the proposed project area.

Please submit a revised ARRП for approval, and please let me know if you have any questions. Thank you.

**Travis Tidwell**

Kills and Spills Biologist – Region I  
Texas Parks & Wildlife Department  
Office: 512.389.8612  
Cell: 512.422.8054



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**From:** Tracy White <[Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)>  
**Sent:** Monday, July 25, 2022 12:50 PM  
**To:** Travis Tidwell (HQ) <[Travis.Tidwell2@tpwd.texas.gov](mailto:Travis.Tidwell2@tpwd.texas.gov)>  
**Cc:** Andrew Blair <[Andrew.Blair@txdot.gov](mailto:Andrew.Blair@txdot.gov)>; Mark Fisher <[Mark.Fisher@txdot.gov](mailto:Mark.Fisher@txdot.gov)>; Dennis Palafox <[Dennis.Palafox@txdot.gov](mailto:Dennis.Palafox@txdot.gov)>; Johnson, Matthew S <[matthew\\_s\\_johnson@fws.gov](mailto:matthew_s_johnson@fws.gov)>; Williams, Christina <[christina\\_williams@fws.gov](mailto:christina_williams@fws.gov)>; Doss, Sasha S <[sasha\\_doss@fws.gov](mailto:sasha_doss@fws.gov)>  
**Subject:** ARRP and Relocation Permit for IH 35 Capital Express Central outfall structure @ Colorado River

**ALERT:** This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.

Hi, Travis –

Attached for your review/approval is the ARRP and associated stocking permit that we prepared for the Phase 1/Phase 2 survey of the IH 35 Capital Express Central outfall structure adjacent to the Colorado River downstream of Longhorn Dam. Please let us know if you have any questions as you review.

Thank you!

Tracy



Tracy R. White, PhD | Environmental Specialist | she/her/hers

Austin District

7901 N. IH 35, Austin, TX 78753

Phone: (512) 832-7246 office (512) 971-9941 cell | Email: [Tracy.White@txdot.gov](mailto:Tracy.White@txdot.gov)

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A Texas Department of Transportation message





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A Texas Department of Transportation message

**HELP**

**#EndTheStreakTX**

End the streak of daily deaths  
on Texas roadways.

Archeological SHPO/THC/tribal coordination

**From:** [Eric Oksanen](#)  
**To:** [martina.minthorn@comanchenation.com](mailto:martina.minthorn@comanchenation.com); [mattocknie@kiowatribe.org](mailto:mattocknie@kiowatribe.org); [holly@mathpo.org](mailto:holly@mathpo.org); [Yahola.b@sno-nsn.gov](mailto:Yahola.b@sno-nsn.gov); [tonya@shawnee-tribe.com](mailto:tonya@shawnee-tribe.com); [lbrown@tonkawatribe.com](mailto:lbrown@tonkawatribe.com); [mallen@tonkawatribe.com](mailto:mallen@tonkawatribe.com)  
**Cc:** [Scott Pletka](#)  
**Subject:** TxDOT\_Sec\_106\_Continuing\_Consultation\_Request\_001513388\_3-MAY-2022  
**Date:** Tuesday, May 3, 2022 2:20:00 PM

# Sec. 106 Consultation

MAY 3, 2022

**Contacts:**

[Scott Pletka](#)  
512-416-2631

**Notice:**

The environmental review, consultation, and other actions required by

We kindly request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed project. Please see the following summary for project details and information. To access the associated reports, which include a detailed project description, APE definition and identification efforts, use the attached link. After 30 days, the link will expire. We will provide an updated link upon request. This project will also be included during our monthly Sec. 106 conference call every third Wednesday of the month at 2 p.m.

**Summary:**

<i>Project ID (CSJ), Roadway, Limits, County and TxDOT District</i>	<i>0015-13-388, I-35, , County, From US290 E to SH 71, Travis County, Austin District, Texas</i>
<i>Lat/Longs:</i>	<i>Begin: 30.3221403/-97.7068134 End: 30.2164257/-97.7513401</i>
<i>Project Sponsor:</i>	<i>TxDOT</i>
<i>Consultation Status:</i>	<input type="checkbox"/> <i>Initial Consultation</i> <input checked="" type="checkbox"/> <i>Continuation of Consultation</i> <i>Reason(s): additional APE of approximately 19 acres of new ROW and additional 2.8 acres of temporary easement. The proposed additional ROW and easement are in a heavily disturbed area.</i>
<i>Short Description:</i>	<i>Freeway Widening</i>
<i>New Right of Way:</i>	<i>44 acres.</i>
<i>Depth of Impacts:</i>	<i>Typical depth of 26 feet and maximum depth of 80 feet.</i>
<i>Known</i>	<i>Sites in the APE:</i>

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.

Archeological Sites or Properties in project area:	41TV1707-Mount Calvary Cemetery 41TV164- ineligible in ROW 41TV1657-no information- presumed destroyed by highway construction.
Identification Efforts:	Background Study
Recommendations:	No sites affected; proceed to construction
Link to Detailed Report:	<a href="https://txdot.box.com/s/bff0xhbf2y3li2d2veae8zh4lmt7dal7">https://txdot.box.com/s/bff0xhbf2y3li2d2veae8zh4lmt7dal7</a>

**Please provide any comments that you may have on the TxDOT findings and recommendations. 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.**

Eric Oksanen  
Staff Archeologist  
Environmental Affairs Division  
Texas Department of Transportation  
125 E. 11<sup>th</sup> Street  
Austin, TX 78704  
Eric.oksanen@txdot.gov  
p. 512 | 902-4786  
At home  
6:30am-4pm



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

July 15, 2022

RE: CSJ: 0015-13-388; I 35 Capital Express Central Widening and Improvements, US 290E to US 290W/SH71, Added Lanes, sidewalks, paths and drainage, Section 106 Continuing Consultation; Travis County, Austin District

Mr. Jonathan M. Rohrer, THPO  
Caddo Nation  
P.O. Box 487  
Binger, OK 73009

Dear Mr. Rohrer:

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 9, 2019, and executed by FHWA and TxDOT.

The purpose of this letter is to contact you in order to consult with your Tribe pursuant to stipulations of the Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU). The project is located in an area that is of interest to your Tribe.

#### *Undertaking Description*

TxDOT is proposing to widen I35, add mixed use paths and improve drainage along I35 and side streets between US290E and US290W(SH71) in Travis County, Texas. The proposed project would add additional travel lanes, change alignment, add sidewalks and mixed-use paths and improve intersections and connectors, and improve drainage. This project will utilize funding and/or require approval from the Federal Highway Administration.

#### *Area of Potential Effects*

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

- The project limits extend from US290E to US290W (SH71) along I35. The total project length is thus 49,000 feet.
- The existing right of way within these limits comprises an area estimated at 44 to 49 acres, depending on the Alternative Route selected.

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- Previous consultation with your office in May of 2022, did not include the mapping with the proposed drainage outfall.
- See the attached technical report for additional details regarding the Area of Potential Effects.

#### *Identification Efforts*

For this project, TxDOT has conducted an archeological desktop-based study of available background information. The APE is in a developed urbanized setting, characterized by extensive prior disturbances. See the attached technical report for details.

#### *Findings and Recommendations*

Based on the above, TxDOT proposes the following findings and recommendations: a desktop review has found that no archeological historic properties (36 CFR 800.16(l)) would be affected by this proposed undertaking and the proposed project may proceed to construction. Furthermore, it is unlikely any impacts will occur at the Mount Cavalry Cemetery as TxDOT has agreed to avoid the property.

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.

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](mailto:eric.oksanen@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,



Eric Oksanen, Environmental Specialist V  
Archeological Studies Branch  
Environmental Affairs Division

Enclosure

cc w/o enclosure: ECOS

Historic SHPO/THC/Consulting Parties/ACHP

## Historic SHPO/THC/Consulting Parties/ACHP – Meeting Minutes



I-35 Capital Express Central Project  
Section 106 Consulting Parties Meeting (Virtual – Zoom meeting)  
Date: 10/6/2021  
Time: 2:00 – 3:00 pm

### **Attendees**

#### ***Texas Department of Transportation (TxDOT) – Environmental Affairs Division***

- Rebekah Dobrasko
- Bruce Jensen
- Nicolle Kord
- Spencer Ward

#### ***Consulting Parties***

- Justin Kockritz – Texas Historical Commission
- Steve Sadowsky – City of Austin Historic Preservation Office
- Elizabeth Brummett – City of Austin Historic Preservation Office
- Andrew Rice – City of Austin Historic Preservation Office
- Kalan Contreras – City of Austin Historic Preservation Office
- Kim McKnight – City of Austin Parks and Recreation Department
- Lindsey Derrington - Preservation Austin
- Pam Benson Owens – Six Square
- David Keene – Wilshire Wood Neighborhood Association

#### ***Mead and Hunt, Inc (Mead & Hunt)***

- Rick Mitchell

#### ***TxDOT Austin District***

- Sonya Hernandez
- Susan Fraser
- Shirley Nichols

#### ***HDR/IH 35 Program***

- Shane Valentine
- Tricia Bruck-Hoyt
- Frances Jordan
- Angela McMurray
- Terri Asendorf-Hyde

### **Overview**

Dobrasko opened the meeting with an overview of the meeting agenda. She showed TxDOT's *Cultural Resource Management at TxDOT: Bridging the Past and Present* video.

### **Mobility 35 and the Capital Express Projects**

Fraser provided information on the overall I-35 program and the Capital Express Central project. The Mobility 35 Program develops projects on the I-35 corridor in Travis, Williamson, and Hays Counties. The Mobility 35 program has several goals and objectives. The number-one goal is to enhance safety. Other

goals include increasing capacity and optimizing the roadway footprint. For the Capital Express projects, three of the important goals are to improve east-west connectivity, improve compatibility with neighborhoods, and enhance bicycle, pedestrian, and transit options.

The Capital Express projects are under the Mobility 35 program. There are three standalone projects: North, Central, and South. The North and South projects are in the environmental and detailed design phase and construction is anticipated to start in 2022. The intent is that the heavy construction work for the North and South projects will be mostly complete when the Central work starts, to provide better access to bypass routes (SH 130, Mopac, etc.) around the Central project. The Capital Express projects are planned to add non-tolled high occupancy vehicle (HOV) managed lanes, with two lanes in each direction for the Central and South projects and one lane in each direction for the North project.

The Capital Express Central project is eight miles in length and would add the managed lanes. The project would also: reconstruct ramps, bridges, and intersections; include bypass lanes to help load/unload the main lanes and reduce frontage road congestion; improve bicycle and pedestrian paths. The estimated cost for the Central project is \$4.9 billion. Construction is anticipated to begin in 2025 with some pre-construction work such as relocating utilities before that.

The Capital Express Central project is currently in the environmental and schematic phase. TxDOT held two open houses in fall 2020 and spring 2021. At the summer 2021 open house meeting, TxDOT presented the refined range of alternatives with Alternatives 2 and 3 moving forward. The 45-day comment period for the summer open house has ended, TxDOT is gathering and reviewing comments. The Mobility 35 team is working with design and environmental staff for adjustments and modifications to the alternatives based on comments and stakeholder input. The schedule calls for a preferred alternative to be announced by fall 2022 and a selected alternative chosen in summer 2023.

### **Aesthetics Program**

Fraser presented an overview of the Capital Express Central aesthetics program. TxDOT held workshops in 2015-2016 to develop an I-35 aesthetics plan. TxDOT is relaunching the aesthetics program. Aesthetic features can include shade structures, enhanced bike lanes and sidewalks, panels, and landscaping. The program is now funded and there is a much closer partnership with the City of Austin. The City of Austin has agreed to maintain aesthetic elements that TxDOT hasn't been able to maintain after construction. The aesthetic features are intended to reflect community values and the aesthetics program is called LIVE 35 (Locally Influenced Visual Enhancements).

The project team has been developing initial aesthetic feature concepts and ideas. They will first meet with maintenance staff in fall 2021 to make sure the concepts are feasible. There are three aesthetic workshops planned. The first workshop is scheduled to be held in early December. TxDOT invited the 2015-2016 workshop attendees to participate in the relaunched program. TxDOT also issued a call for volunteers for workshop participants via the project newsletter and the open houses. Any of the

consulting parties can also participate and can contact Fraser to express interest and provide contact information. The hope is that attendees commit to being involved in all three workshops,

### **Cap-and-Stitch**

Fraser then explained the cap-and-stitch elements of the Capital Express Central project. She noted that there is a lot of excitement over this. TxDOT is partnering with the City of Austin and the Downtown Austin Alliance on cap-and-stitch. TxDOT's state transportation funds cannot be used for local enhancements. The City of Austin is working with TxDOT to fund the deck plazas. A "stitch" is a wider bridge that does not require the same fire and life safety requirements as a tunnel but can support a pocket park and enhance the user experience. The City is studying the potential for several deck caps between Cesar Chavez Street and Airport Boulevard. The final selection will be made based on community input and funding availability. TxDOT would need to environmentally clear the additional requirements for the caps such as larger supports/columns and greater roadway depth. The City of Austin and Downtown Austin Alliance will launch their own public involvement and workshop for the surface enhancements. These efforts will be coordinated with TxDOT.

### **Section 106 Process**

Dobrasko covered TxDOT's role in the Section 106 process. Because the project is receiving Federal funding, TxDOT must comply with federal and state environmental and historic preservation regulations. This meeting really relates to Section 106 of the National Historic Preservation Act. Section 106 requires federal agencies/federally funded projects to "stop, look, and listen" when it comes to planning for the impacts their project may have on historic places. "Look" means TxDOT will identify historic places including those resources that TxDOT may not know of yet. "Listen" is like this meeting, with TxDOT in consultation with people who are interested in the project and in historic resources around the project. TxDOT has a special role in this process. TxDOT operates on FHWA's behalf on certain projects, with TxDOT assuming the role of the federal agency and making environmental decisions rather than FHWA.

Dobrasko spoke about the role of consulting parties in the Section 106 process. Consulting parties can help:

- Identify historic properties in the project area.
- Review technical reports produced by TxDOT.
- Consider impacts to historic resources.
- Identify other potential consulting parties who should be at the table.
- Identify appropriate mitigation as compensation if TxDOT is unable to avoid a historic property.

TxDOT is here to listen to consulting parties, get feedback, and incorporate that into project planning. TxDOT will work with consulting parties through the whole process.

The Section 106 process has four main steps. TxDOT is doing Steps 1 and 2 right now.

***Step 1: Notify/Get Started***

Notifying that there may be impacts to historic properties, contacting organizations, property owners, etc. to join as consulting parties.

***Step 2: Identify***

TxDOT is starting this effort now. TxDOT is required to look for places already listed in the National Register of Historic Places (NRHP) and places that could be eligible for listing in the NRHP. NRHP-listed and NRHP-eligible properties are treated the same in the Section 106 process.

***Step 3: Evaluate***

TxDOT will look at how the project may impact the historic properties. TxDOT will look at possible impacts for both of the alternatives being considered.

***Step 4: Decide***

TxDOT will work to find ways that the design could be changed to avoid or minimize impacts to historic properties. If impacts can't be avoided, then TxDOT looks at ways to compensation for the loss of the historic place.

**Upcoming Identification and Evaluation**

Mitchell spoke in more detail on what his team will be doing for the identification effort and when that will happen. Steps 1 and 2 are overlapping. During identification, Mitchell and his team will be looking for resources that will be at least 45 years old in 2025 and have a documented connection with a historic event or trend, connection with a notable person, or are important for their architectural, engineering, or landscape design. There are good existing sources to draw from in the identification and evaluation steps. These include City of Austin historic resources surveys, previous I-35 survey reports for TxDOT projects, NRHP nominations, and local landmark designation materials.

Currently Mitchell is working on the research design for the project. Field surveys, with multiple survey teams, will begin in November. There will be a reconnaissance-level survey for the full 8-mile project length. For the reconnaissance survey, historians will photograph all resources (buildings, structures, landscapes, bridges, etc.) built in 1980 or earlier and located within 150 feet of the proposed I-35 right-of-way. They will write short descriptions for each resource and assess each resource to find if it is eligible for NRHP listing by itself or as part of a larger grouping/district.

TxDOT is also aware of several known historic resources, and historians will complete more detailed intensive-level survey and evaluation of those properties. Intensive-level work includes a deep dive into

archival research to learn about the history of a property, get an understanding if it is a historic property, and, if so, identify the characteristics that are important to preserve vs. alterations or changes to the property. The intensive-level work will be completed in several rounds. Historians will start with intensive-level work for the Austin Chronicle building, Palm Park, and Mt. Calvary Cemetery. The second round will cover the Robinson Brothers Warehouse, the Native Hostel, and Emmanuel United Methodist Church. There will likely be additional properties added to this intensive survey list during the identification and evaluation steps.

### **Online Resources**

Dobrasko noted two available online resources:

- [My35CapEx.com](http://My35CapEx.com) - for more information on Capital Express Central and the other Capital Express projects.
- [Sec106txdot.org](http://Sec106txdot.org) – TxDOT's new page with information on TxDOT's work with archeological and historic properties.

### **Question and Answer session**

Dobrasko then opened up the discussion to questions from the attendees. David Keene had two related questions. First, Keene asked about the Section 106 implications of cap-and-stitch. The work would take place on the existing I-35 footprint but requires more engineering and maybe more right-of-way. Dobrasko agreed that the cap-and-stitch could involve more right-of-way and TxDOT is trying to answer some of those questions as part of this overall planning process. That's also why the Area of Potential Effect (the area being surveyed) extends out 150 feet past the proposed right-of-way. TxDOT will also be examining potential for cumulative effects of the project as part of Section 106 (this is a separate process from cumulative impacts for environmental process).

Keene's second question was on TxDOT vs. local role on the cap-and-stitch design does TxDOT have to design the caps first or does the City of Austin have to commit to funding the improvements first? Fraser answered this question. TxDOT knows the caps would require a little more right-of-way, particularly between Cesar Chavez and 4<sup>th</sup> Streets, potentially impacting Palm Park. TxDOT is not incorporating the caps into the design yet because there isn't a financial commitment. The city has engineering on board for a feasibility study on what the caps could be used for. The specific use on the cap dictates the footprint, foundations, and other elements. For example, placing buildings on the cap would require wider columns and deeper foundations. The City of Austin and TxDOT have discussed executing an Advanced Funding Agreement (AFA) and funds would need to be transferred when the design-build contract is executed.

As follow-up, Keene noted that the City may depend on grants to fund the caps. Fraser noted that the City may be looking to the possible federal infrastructure bill for some funding and is considering a new bond program for funding. Dobrasko added that use of funding under the infrastructure bill would also trigger

Section 106 process for the cap improvements. How that would interrelate or piggyback on current TxDOT's environmental and Section 106 efforts remains to be seen.

Dobrasko raised three questions to the group:

- Are there any other organizations or people that should be a part of this consulting party team?
- Are there any historic resources that you are concerned TxDOT does not know about?
- How do you want to be involved in this project? What is the best method of communication with your organization?

She noted that attendees did not need to answer the questions now but could take a look at the questions and get back with TxDOT.

For the first question regarding other groups and organizations, the following suggestions were provided:

- Steve Sadowsky encouraged referencing the City of Austin's Equity in Preservation Plan, which has information and input for several East Austin groups.
- Keene said St. George's Episcopal Church may be good to contact.
- Elizabeth Brummett said the Cherrywood neighborhood was wondering about potential NRHP eligibility and had expressed a lot of interest in the I-35 project.
- Via the chat box, Pam Benson Owens identified the Austin Area Urban League, the Black Leaders Collective, and the Black Austin Coalition as potential consulting parties.

For the third question regarding communication, Sadowsky and Brummett agreed that the online meeting format was a good way to increase discussion and communication.

Brummett had an additional general question for TxDOT. The design for Alternative 1 which has been removed from consideration at this point had less right-of-way and fewer impacts to historic resources. The Austin City Council had also expressed interest in having the access roads cantilevered, perhaps that be considered as a local enhancement to reduce right-of-way taking. To what extent is there a possibility of taking a narrower approach to the roadway that would still meet the purpose and need of the project but have less impact to historic properties?

Fraser responded that some of the adjustments TxDOT is currently making are in response to the feedback received from the City Council, the Cherrywood neighborhood, and other stakeholders. One recommendation from the recent Texas A&M Transportation Institute study was to shift the frontage roads over to one side through the downtown area, so TxDOT is currently looking at that to minimize the right-

of-way footprint. TxDOT is looking along the whole corridor to find places to minimize the right-of-way by doing things like frontage road shifts, but there is a tradeoff between access to the east-west crossings and access to the main lane lanes and managed lanes. TxDOT moved forward with Alternatives 2 and 3 for some solid foundational reasons. Alternative 1 was essentially a multi-level tunnel and had problems with first responder emergency access and other safety issues. It would take 1.5 years longer to construct and have greater impacts during construction. TxDOT now actively looking for ways to minimize additional right-of-way for Alternatives 2 and 3.

Fraser also mentioned that TxDOT has met with the Austin Chronicle and they will be running articles explaining the right-of-way acquisition process and the Section 106 process, for the public to follow.

### **Conclusion and Next Steps**

Dobrasko closed the meeting by noting next steps. Meeting notes will be provided to attendees and made available for non-attendees as well. Rick and the historian team will be out doing field surveys soon and may be contacting you with questions on historic places. TxDOT will be contacting the additional potential consulting parties and will continue to meet with consulting parties and individuals for specific questions or issues. The next formal consulting parties meeting will be to look over the findings of the historic resources survey report next year. The project newsletter is a good way to keep updated as well.

I-35 Capital Express Central Project  
Section 106 Consulting Parties Meeting (Virtual – Zoom meeting)  
Date: 6/10/2022  
Time: 1:00 – 3:00 pm

### **Attendees**

#### ***Texas Department of Transportation (TxDOT) – Environmental Affairs Division***

- Rebekah Dobrasko
- Lindsey Kimmitt
- Nicolle Kord

#### ***Consulting Parties***

- Justin Kockritz – Texas Historical Commission
- Kim McKnight – City of Austin Parks and Recreation Department (PARD)
- Caitlen Hill - City of Austin PARD
- Sarah Marshall - City of Austin PARD
- Tonja Walls – City of Austin PARD
- Lana Denkeler – City of Austin PARD
- Meghan King - Preservation Austin
- Harm Van Avendonk – Wilshire Wood Neighborhood Association
- Susan Moffat – property owner, Austin Chronicle
- Ted Eubanks – stakeholder, St. Mary’s Catholic Church representative
- Olivia Herschel – Catholic Diocese of Austin

#### ***TxDOT Austin District***

- Sonya Hernandez
- Shirley Nichols

#### ***Mobility 35 Program***

- Tricia Bruck-Hoyt
- Frances Jordan
- Shelley Law
- Tony Estes

#### ***Mead and Hunt, Inc. (Mead & Hunt)***

- Rick Mitchell
- Alex Borger
- Lauren Kelly

#### ***HDR***

- Terri Asendorf-Hyde

### **Welcome and overview**

Dobrasko opened the meeting with an overview of the meeting agenda and invited participants to introduce themselves in the chat.

### **Recap and Availability of Project Information**

Hernandez provided an overview of the project and updates about where the project currently stands. She noted that the process for preparing an Environmental Impact Statement (EIS) began in September 2020, and since then, there have been public and agency outreach events. Input from these events has



led to two build alternatives: Alternative 2 and Modified Alternative 3. Hernandez explained the differences between the alternatives and noted that TxDOT hopes to complete a draft EIS late this year with a public hearing in early 2023. The goal is to complete a final EIS and record of decision in summer 2023. She directed participants to the project website for overall project alternatives ([mycapex.com/projects](https://mycapex.com/projects)) and for environmental study documents including historic resources survey reports ([my35capex.com/resources/environmental-study](https://my35capex.com/resources/environmental-study)).

### **Environmental Study Area and Area of Potential Effects**

Mitchell provided an overview of the Section 106 process and noted where the I-35 project is in that process (Step 3, Evaluation). Mitchell then gave an overview of the survey area and explained its parameters. He noted that the project's Area of Potential Effects (APE) extends 150 feet from the environmental study area, and sometimes buildings beyond that distance were surveyed where parcels touch the APE. He then explained reconnaissance versus intensive historic resources surveys. Reconnaissance surveys usually cover the full length of a project with the goal of better understanding the historical background of an area and then identifying which properties may have importance historically or for their design. Usually, a reconnaissance survey is enough to determine if an individual property or a district is significant. But in some cases, more in-depth work is needed to make a definitive determination of a property's significance and that is when an intensive survey is called for. Intensive surveys often cover a specific property or specific area, and may include more detailed research, field investigations, and analysis.

Mitchell gave an overview of the findings of the reports and posted questions to think about for discussion. He began with a review of impacted properties that were determined eligible for the National Register of Historic Places. Dura Tune Service Station at 3810 North I-35 had not been previously identified but is an early, intact Conoco station that would be removed under both build alternatives. The Elgin-Butler Brick Company Main Office (4000 North I-35) had previously been identified as potentially eligible and is significant as the only extant building belonging to the company and as an intact example of the Contemporary style as applied to a small office. It would be removed under both build alternatives. The Haster House (3009 North I-35) is an intact bungalow house that had been previously identified as historic in City of Austin historical surveys. It is best example of intact early house on East Avenue and would also be removed under both build alternatives.

Mitchell gave an overview of other eligible properties that are adjacent to the right of way. The Robinson Brothers Warehouse (501 North I-35) is a c.1900 grain warehouse that was a common building type at one time but is now one of the last examples. It is significant for its association with commercial and industrial development in this part of Austin. Walker Brothers Warehouse at 807 East Fourth Street shares a similar story and is also important for its association as an industrial property along the railroad corridor. This building was also determined to be eligible for its architectural significance. Palm Park was recommended as historic due to its significance in entertainment, recreation, and Mexican-American heritage. Emmanuel United Methodist Church. is recommended historic for its association with the Mexican-American community and as a good example of postwar church architecture.

Mitchell then went over a few properties that are adjacent to the right of way and determined not to be historic properties but were looked at more closely as properties of interest. Mount Calvary Cemetery began in 1879 and was associated with the St. Mary's congregation. It was determined to be a significant property, but after applying National Register Criteria Consideration A for religious properties and Criteria Consideration D for cemeteries (both of which require a cemetery or a religious property to have additional historic significance), was recommended to be not eligible for the National Register of Historic Places. Chase Bank (former Citizens Bank) at Capitol Plaza is architecturally significant as a Late Modernist building by architectural firm CRS in Houston but has been too altered to be recommended as eligible. Travis High School was examined for potential significance in the areas of Education and Social History as part of a 1950 bond program that built Travis and McCallum High Schools for White students and Anderson High School for Black students. It was determined that the significance in that story belonged to Anderson High School and that Travis High School has been altered over time. It was recommended not eligible. Mitchell also noted that Northeast Early College High School (formerly Reagan High School) was determined eligible for its significance in education and in architecture.

Two other properties of interest were St. George's Episcopal Church and Cameron Village Shopping Center. St. George's Episcopal Church was recommended eligible for its architectural significance. In this case, the current build alternatives will move the roadway farther from the site. Cameron Village was determined to be significant as an early shopping center on Austin's northern suburban edge, but the property has lost integrity due to alterations. It was not recommended eligible for the National Register of Historic Places.

In addition to individual properties, potential historic districts and expansions of existing historic districts were also examined. Delwood I and II and the Cherrywood neighborhoods were areas of interest that were ultimately recommended not eligible as historic districts. Delwood I and II were found to have extensive alterations that resulted in a lack of architectural cohesion, particularly in areas close to I-35. Cherrywood is an amalgamation of smaller subdivisions with non-historic-age infill. There is potential for smaller historic districts within the neighborhood, but those were not within the I-35 area of potential effect.

128 properties were ultimately recommended eligible but feedback for additional sites and districts is welcome.

## **Questions**

*In the meeting chat, Moffat asked if any of Travis High School or Northeast High School would be removed by the project. Nichols replied that no alternatives would remove either property.*

Dobrasko noted that not everything in the survey will be demolished and nearly all surveyed resources would not be demolished. There can be other impacts besides demolition. TxDOT is interested in other potential impacts like access changes, visibility, traffic noise, and construction vibration. The area of

potential effects/survey area was expanded out to 150 feet past the Environmental Study Area to allow for future design changes. Dobrasko then asked for questions and comments.

Eubanks feels the Mount Calvary Cemetery report is fundamentally and essentially flawed, and he questioned the research done for the report. He pointed out that Michael Butler, who started Elgin Butler Brick Company, is buried in the cemetery but was not mentioned. Other important people are buried there, and it would not be difficult to show their transcendent nature. The cemetery has immigrants from many nationalities buried there, often people who brought skills to Austin. The cemetery was established at a time when Austin was anti-Catholic. Mount Calvary is a cemetery of immigrants. There are many Lebanese families buried there, including the grave of Dr. Herbert Nassour located near the edge of the cemetery near I-35. Other ethnic groups represented include Syrians, Greeks, Germans, and Italians including the Franzetti family. These families are important; they just happened to be Catholic and are not significant for their contributions to the church. Eubanks is concerned that this information was missed.

Van Avendonk noted that there are 3 buildings in the Wilshire Historic District on Bradwood adjacent to I-35 that are still in their original state.

Kockritz said he agreed with Eubanks, that there is an important story at Mount Calvary Cemetery to be looked into with many ethnic groups buried there. He would like to know how the cemetery relates to the overall Catholic community in Austin during that period, including its relationship with St. Mary's and other churches and with institutions such as Seton Hospital and St. Edwards. He is interested in the various Catholic ethnic groups buried at the cemetery and whether spatial patterns tell a story and represent these groups. There are unique grave markers with Mexican folk art detailing in the Mexican American section of the cemetery. Kockritz agrees that the cemetery is not significant under Criterion C as it does not have the landscape design of a cemetery like Oakwood, but he would like to know more about potential Criterion A significance. He has sent initial comments on Mount Calvary to Dobrasko.

Dobrasko said she would take comments from this meeting, combine them with written comments, and send out responses explaining how the comments would be addressed. Eubanks said he would write down comments by the June 24, 2022 deadline. In response to Kockritz's questions, Eubanks added that Mount Calvary included two plots for nuns, one associated with Holy Cross and another associated with the Daughters of Charity who founded Seton Hospital. A.F. Martin, who founded Austin White Lime, is also buried there. Eubanks emphasized that these were immigrants with skills who happened to be Catholic and to look again at Criterion A significance. The Bishop of Austin has said he would like to be involved as well.

Van Avendonk added that the St. George's Episcopal Church property includes the Wright-Giles House which dates to 1879.

Kockritz appreciated the meeting with TxDOT and stakeholders. There has been great input from stakeholders and he requested that they provide input for any other resources they want to be

considered. He said consulting parties and stakeholders don't need to know all the Section 106 process and requirements, they can reach out to him.

### **Next Steps/Timeline**

Dobrasko asked attendees to let her know if anything has been missed as TxDOT moves forward on the project. More reports are being completed for consulting party review. The project will impact the Butler Hike and Bike Trail so TxDOT will have an intensive survey report for that. A reconnaissance report is being completed for the drainage tunnel under East Cesar Chavez Street. The historic resources reports will be revised with consulting party comments. TxDOT will talk with consulting parties again regarding how the project might affect historic properties, either directly or through access, vibration, or visual effects. TxDOT will also get input on how to mitigate for the loss of historic properties or other impacts to historic properties.

I-35 Capital Express Central Project  
Section 106 Mitigation Meeting Notes  
December 13, 2022  
2:00-3:00pm  
Microsoft Teams

Attendees:

Rebekah Dobrasko – Texas Department of Transportation (TxDOT) Environmental Affairs Division (ENV)  
Michelle Marx – City of Austin (COA) Corridor Program Office/Our Future 35  
Sarah Marshall – COA Parks and Recreation Department (PARD)  
Kim McKnight – COA PARD  
Tommy Abrego – TxDOT Austin District (AUS) Mobility35  
Sonya Hernandez – TxDOT AUS  
Shirley Nichols – TxDOT AUS  
Meghan King – Preservation Austin  
Tricia Bruck-Hoyt – TxDOT AUS Mobility35 General Engineering Consultant (GEC)  
Pamela Owens – Six Square (joined during meeting)

2:00pm Welcome and Introductions Rebekah Dobrasko, TxDOT

Rebekah led attendee introductions. She welcomed Michelle Marx as a representative of the COA Corridor Program Office as a new Participant in the Section 106 process. Rebekah provided a summary of caps and stitches in relation to the CapEx Central project.

2:05pm Overview of Mitigation Rebekah Dobrasko

- Selection of Projects
- Budget
- Timeline

Rebekah explained mitigation in the context of historic resources. There are many types of project-related mitigation, but Section 106-related mitigation is focused specifically on the loss of, or effects to, historic properties resulting from the project. Section 106 mitigation is developed in conjunction with consulting parties. There is no set prescription on what is required in terms of specific activities or dollar amount. TxDOT is interested in understanding what consulting party projects, programs, or desires might benefit from mitigation.

We are coming to the end of the timeline now for Section 106 and for the environmental process. TxDOT will develop a plan to continue dialogue through the project, with some commitments. The plan will include some commitments now but will also have a plan for making more decisions and commitments later.

2:15pm General Mitigation Ideas Rebekah Dobrasko

- Elgin-Butler Brick Company (EBBC) Main Office
- Survey research and documentation
- Other ideas

Rebekah reminded the group that she sent ideas out in November that came from ideas from consulting party comments and brainstorming with Justin Kockritz at the Texas Historical Commission (THC). Accessibility of materials is important to consider. TxDOT's mitigation for the Harbor Bridge project in Corpus Christi was developed fully bilingual materials. Another consideration is making mitigation materials accessible for those who are hearing-impaired or vision-impaired.

2:25pm

#### Organization Needs/Wants/Plans

City of Austin Corridor Program Office  
 City of Austin Parks and Recreation Department (PARC)  
 City of Austin Historic Preservation Office  
 Preservation Austin

Kim asked for clarifications on the geographic boundaries for this project. Rebekah explained that mitigation for this project is limited to CapEx Central only, between US 290 East and US 290 West/SH 71 (Ben White). Kim suggested an overall interpretive plan to craft the stories we want to tell related to I-35 – the good, the bad, the ugly – to tell the story of place. The plan could be an umbrella document that could include multiple partners, formats, exhibit locations, etc. It should be facilitated and community-oriented to gather actual community ideas and story lines on the front end. COA PARC has numerous community partners such as the Trail Conservancy, Oakwood Cemetery advocates, and Waterloo Greenway Conservancy. Kim highlighted the Pease Park Conservancy's interpretive plan as an example (<https://peasepark.org/interpretive-plan>).

Michelle agreed with Kim's comments. Michelle and Kim have been discussing ways to develop a master interpretive plan for I-35 corridor, through combining efforts and collaboration. The master interpretive plan would tie in with placemaking, wayfinding, and interpretation work. The cap-and-stitch program will already have a lot of community input and can provide good coordination opportunities. The caps and stitches can provide places to house installations and allow visitors to interact. Grant proposals have been submitted for cap-and-stitch funding through the federal Reconnecting Communities program, and an interpretive plan was included as part of that submittal.

Michelle said the cap-and-stitch program would be happy to find a way to reuse the EBBC Main Office bricks in a way to tell the story of that building. A stitch located near the area could be a good location for that. Rebekah added that TxDOT plans on a lot of public area at the Airport Boulevard intersection that may be good. She also noted that THC had asked TxDOT to investigate possible relocation of the EBBC Main Office building.

Kim asked about the possibility of having implementation funding as mitigation to carry out the recommendations of the overall interpretive plan. Other mitigation ideas could include static signage, apps, or temporary placemaking during construction.

Rebekah discussed other mitigation opportunities that TxDOT is considering. She said that Mead & Hunt has prepared a lot of information and one goal is to think of way to incorporate that into mitigation so the information is not lost on a shelf in technical reports. TxDOT could partner with COA

in more survey and designation work such as developing historic landmark applications, updating National Register nominations, or conducting surveys. TxDOT would not submit applications or nominations but could provide to COA or the community to do so. Specific locations could include the survey of the Summit/Woodland area, East Cesar Chavez landmark application, 6<sup>th</sup> Street Historic district update if feasible politically, and/or boundary extensions for National Register-listed Willow Spence or Swede Hill historic districts. Another idea is to expand existing historic walking/driving tours. Kim agreed updating surveys for neighborhoods close to I-35 would be crucial, especially those that are most vulnerable to development.

Meghan said a possibility would be a Mexican American heritage tour. Preservation Austin has a lot of information already gathered from interns' work including oral histories, that is housed at the Austin History Center. Preservation Austin would also support updating nominations and conducting new surveys. For the East Cesar Chavez area, some business owners have taken an interest in getting a historic district designation. Preservation Austin's board member Miriam Conner is involved with that and could be a good resource to get more information on how to get involved. Preservation Austin doesn't have the resources to lead the placemaking efforts but can support and help in any way.

Kim and Meghan both recommended investigating the CIA equity-based preservation plan to find possible opportunities for intersecting goals. Phase I of the plan was a small Certified Local Government grant. Phase II will involve more implementation and toolkits. The community engagement phase won't start until spring 2023 so there is some time to coordinate. Cara Bertron is now with the COA anti-displacement office and is the person to contact regarding the equity plan. Kim will forward links to the plan to the chat group.

Pamela Owens joined the call and provided a summary of Six Square's activities that might tie into mitigation. The "What Once Was" program is interpreting the history of what happened on the east side in a way that builds bridges for moving forward. Six Square and other organizations are focusing on "course correction" of misinformation and inaccurate information on what is happening around growth. They have also been working to clarify the differences between National Register and local landmarks for the community. Pamela felt Six Square's role can be to help build trust and to center and lift up the voices of the community. For this effort, the group should always keep in mind and check in about intentions vs. impacts – good intentions can have unintended impacts.

2:57pm

Next Steps

Rebekah Dobrasko

Rebekah told the group that Mead & Hunt is taking notes during the meeting and will send out minutes/notes. Rebekah will also follow up with Bob Ward/Travis County Historical Commission, contact Cara Bertron, and look at the Pease Park interpretive plan.

TxDOT is still collecting input and ideas and will be doing more research on some of the ideas. TxDOT is researching feasibility of THC request to investigate moving EBBC Main Office, Haster House, and Roberts House.

The public hearing for the project will be held in February 2023. Consulting parties will be notified with more information. At the public hearing and during the comment period for the Draft Environmental Impact Statement (DEIS), TxDOT will solicit additional input for mitigation ideas from the public as well as from stakeholders. Through winter 2022/2023, TxDOT will continue to work

through how to implement mitigation and will continue to gather information on potential impacts, such as noise and vibration, to historic properties

The DEIS will be the next big step in the process. Consulting parties will have an opportunity to review the DEIS. The DEIS will announce the preferred alternative and its potential impacts on environmental subject areas. TxDOT will then work with consulting parties to finalize the mitigation plan and Programmatic Agreement (PA). The PA will spell out that TxDOT is going to create a plan and may include who will be involved and how it will be implemented. The PA will also include measures to minimize impacts during construction. The last step in the formal environmental process will be the Final EIS and Record of Decision which will include environmental commitments.

The next step for TxDOT relating to historic properties is to develop a mitigation plan and send out to consulting parties to get thoughts and input. Michelle asked if consulting parties would be reviewing the mitigation plan before the DEIS. Rebekah replied that the mitigation plan review would be towards the end of the DEIS review period or just after the DEIS review period so that the mitigation plan could reflect any public input.

Anticipated Timeline:

- Winter 2022/2023: TxDOT to publish the draft Environmental Impact Statement (EIS) for review and hold a Public Hearing. Part of the hearing will involve requesting the public's input and ideas for mitigation. The Draft EIS will identify a Preferred Alternative.
- Winter 2022/2023: Continue to solicit mitigation ideas from organizations not in this meeting:
- Travis County Historical Commission
  - Six Square
  - Other project stakeholders
- Spring 2023: Finalize mitigation plan and document in programmatic agreement.
- Summer 2023: TxDOT to publish the combined Final EIS and Record of Decision. This will include all mitigation commitments from TxDOT



## Historic SHPO/THC/Consulting Parties/ACHP – Consulting Party Coordination

**From:** [Rebekah Dobrasco](mailto:Rebekah.Dobrasco)  
**To:** [bobward7@gmail.com](mailto:bobward7@gmail.com); [lindsey@preservationaustin.org](mailto:lindsey@preservationaustin.org); [Elizabeth.Brummett@austintexas.gov](mailto:Elizabeth.Brummett@austintexas.gov); [steve.sadowsky@austintexas.gov](mailto:steve.sadowsky@austintexas.gov); [harmjava@yahoo.com](mailto:harmjava@yahoo.com); [jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com); [Justin.Kockritz@bill.martin@thc.texas.gov](mailto:Justin.Kockritz@bill.martin@thc.texas.gov); [kim.mcknight@austintexas.gov](mailto:kim.mcknight@austintexas.gov); [Mark.wolfe@thc.texas.gov](mailto:Mark.wolfe@thc.texas.gov); [sandra\\_deleon@yahoo.com](mailto:sandra_deleon@yahoo.com); [swedehillna@gmail.com](mailto:swedehillna@gmail.com); [saraz@zlyst.com](mailto:saraz@zlyst.com); [celestine.bryant@mail.actribe.org](mailto:celestine.bryant@mail.actribe.org); [epa4apachetribeOK@gmail.com](mailto:epa4apachetribeOK@gmail.com); [tffourkiller@caddonation.org](mailto:tffourkiller@caddonation.org); [matttocknie@caddonation.org](mailto:matttocknie@caddonation.org); [caddophil@aol.com](mailto:caddophil@aol.com); [pcross@caddonation.org](mailto:pcross@caddonation.org); [martinac@comanchenation.com](mailto:martinac@comanchenation.com); [kellie@tribaladminsivices.org](mailto:kellie@tribaladminsivices.org); [ivy@tribaldadminsivices.org](mailto:ivy@tribaldadminsivices.org); [holly@mathpo.org](mailto:holly@mathpo.org); [isham.t@sno-nsn.gov](mailto:isham.t@sno-nsn.gov); [mallen@tonkawatribe.com](mailto:mallen@tonkawatribe.com); [lbrown@tonkawatribe.com](mailto:lbrown@tonkawatribe.com); [gary.mcadams@wichtatribe.com](mailto:gary.mcadams@wichtatribe.com); [terri.parton@wichtatribe.com](mailto:terri.parton@wichtatribe.com); [thompson@preservationtexas.org](mailto:thompson@preservationtexas.org); [jrigdon@waterloogreenway.org](mailto:jrigdon@waterloogreenway.org); [colleen.theriot@norwoodparkfoundation.org](mailto:colleen.theriot@norwoodparkfoundation.org); [paulk@assumptionaustin.com](mailto:paulk@assumptionaustin.com); [info@sixsquare.org](mailto:info@sixsquare.org)  
**Cc:** [Tricia Bruck-Hoyt-C](mailto:Tricia.Bruck-Hoyt-C); [Sonya Hernandez](mailto:Sonya.Hernandez); [Shirley Nichols](mailto:Shirley.Nichols); [Sara Behunek-C](mailto:Sara.Behunek-C); [Susan Fraser](mailto:Susan.Fraser); [Spencer Ward](mailto:Spencer.Ward); [Lindsey Kimmitt](mailto:Lindsey.Kimmitt); [Rebekah Dobrasco](mailto:Rebekah.Dobrasco); [Laura Cruzada](mailto:Laura.Cruzada); [Scott Pletka](mailto:Scott.Pletka); [Eric Oksanen](mailto:Eric.Oksanen)  
**Subject:** TxDOT Project--I-35 Capital Express Central, Austin  
**Date:** Tuesday, July 6, 2021 7:42:58 AM

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Good morning,

I am contacting you as representative of your organization regarding the proposed [I-35 Capital Express Central project](#), an effort by the Texas Department of Transportation (TxDOT) to improve safety and mobility along I-35 from US 290 East to SH 71/Ben White Boulevard in Travis County.

TxDOT is identifying organizations with an interest in the project and its potential to affect historic properties, including buildings, historic districts, parks, cemeteries, cultural landscapes, and other historic places. We are reaching out to see if you wish to become a consulting party as part of our review process known as Section 106. Section 106 refers to the section of the National Historic Preservation Act. Because TxDOT will be spending federal funds on this project, we must comply with federal historic preservation laws. To learn more about TxDOT's role in this process, visit <https://www.txdot.gov/inside-txdot/division/environmental/historic-preservation.html>.

By becoming a consulting party, you partner with TxDOT through the Section 106 process. TxDOT will actively inform you and seek your views and comments as we work through the steps in the Section 106 process, including public meetings. TxDOT will provide you time to review and respond to reports and other information and incorporate your views and comments into our project planning and alternative analysis. We request that you respond to us by **July 31, 2021** to let us know if you would like to be a consulting party for this project. If you do not respond within this time frame, you may request consulting party status in the future; however, the project may advance without your input. If you are requesting consulting party status, we do ask that your organization nominate one representative and an alternate to participate on behalf of the group. You may also choose to participate in the Section 106 process as members of the public or as stakeholders through TxDOT's overall public involvement process. I know that some of you have already requested and been granted consulting party status on this project, but I wanted to make sure you were still included in this overall email.

TxDOT is planning to hold an open house this summer to provide additional information about the I-35 Capital Express Central project; the date is still to be determined at this point. Once I know the date, I will make sure to let you know as well. After the open house, we plan to hold a meeting with Section 106 consulting parties to provide you with information about the proposed project, including any identified historic properties, hear from you about historic properties in the project area, and answer any questions you may have about the project development or the Section 106 process.

Please respond to this email ([rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov)) with your/your organization's interest in being a Section 106 consulting party for this project. We also welcome any suggestions you have for additional invitees to the process. You may also call me at 512-416-2570. Additional information regarding the I-35 Capital Express Central project is available at [my35capex.com](http://my35capex.com).

I hope to hear from you soon, and look forward to working with you!

Sincerely,



**REBEKAH DOBRASKO**

Environmental Program ManagerO: 512-416-2570

M: 512-431-3422



**From:** [Rebekah Dobrasko](#)  
**To:** [baccaproject@gmail.com](mailto:baccaproject@gmail.com); [leadership@blackleaderscollectiveatx.com](mailto:leadership@blackleaderscollectiveatx.com); [stgeorgeaustin@gmail.com](mailto:stgeorgeaustin@gmail.com); [jwalker78722@gmail.com](mailto:jwalker78722@gmail.com)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Valentine, Shane](#); [Susan Fraser](#); [Shirley Nichols](#); [Rick Mitchell](#)  
**Subject:** TxDOT's IH-35 Project through Austin--Capital Express Central  
**Date:** Tuesday, November 9, 2021 10:21:45 AM

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Good morning!

I am contacting you regarding the proposed [I-35 Capital Express Central project](#), an effort by the Texas Department of Transportation (TxDOT) to improve safety and mobility along I-35 from US 290 East to SH 71/Ben White Boulevard in Travis County.

TxDOT is identifying organizations with an interest in the project and its potential to affect historic properties. We are reaching out to see if you or your organization wishes to become a consulting party as part of our review process known as Section 106. Section 106 refers to the National Historic Preservation Act. To learn more about TxDOT's role in this process, visit <https://www.txdot.gov/inside-txdot/division/environmental/historic-preservation.html>.

By becoming a consulting party, TxDOT will actively inform you as we work through the steps in the Section 106 process, including public meetings. TxDOT will provide you time to review and respond to reports and other information and incorporate your views and comments into our project planning and alternative analysis. We request that you respond to us by November 24, 2021 to let us know if you would like to be a consulting party for this project. If you do not respond within this time frame, you may request consulting party status in the future; however, the project may advance without your input. If you are requesting consulting party status, we do ask that your organization choose one representative and an alternate to participate on behalf of the group. You may also decide to participate in the Section 106 process as members of the public or as stakeholders through TxDOT's overall public involvement process.

TxDOT is at the beginning stages of conducting cultural resources surveys, which involve historians and archeologists visiting the project corridor and recording archeological and above-ground historic properties. Our historians and archeologists will be out taking photographs, documenting places, and conducting additional studies to determine the presence of historic places. If you are concerned about a potential historic property along the project corridor, now is the time to tell us! Please respond to this email ([rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov)) with your interest in being a Section 106 consulting party for this project. We also welcome any suggestions you have for additional invitees to the process. You may also call me at 512-431-3422. Additional information regarding the I-35 Capital Express Central project is available at [my35capex.com](http://my35capex.com).

Sincerely,

Rebekah Dobrasko



**REBEKAH DOBRASKO**

Environmental Program Manager 0: 512-416-2570

M: 512-431-3422



**From:** [Rebekah Dobrasko](#)  
**To:** [bobward7@gmail.com](#); [lindsey@preservationaustin.org](#); [Elizabeth.Brummett@austintexas.gov](#); [harmjava@yahoo.com](#); [david keene](#); [Justin Kockritz](#); [kim.mcknight@austintexas.gov](#); [Ricardo.Soliz@austintexas.gov](#); [saraz@zlyst.com](#); [thompson@preservationtexas.org](#); [lauren@edgeoys.com](#); [powens@edgeoys.com](#); [jwalker78722@gmail.com](#)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Shirley Nichols](#); [Rick Mitchell](#); [Linda Henderson](#); [Rebekah Dobrasko](#)  
**Subject:** TxDOT--I-35 CapExpress Central Section 106  
**Date:** Friday, April 22, 2022 10:25:44 AM  
**Attachments:** [I35\\_CapEx\\_Central\\_Historic\\_Properties\\_20220407.kmz](#)

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Hello everyone,

Well, the historical studies reports conducted along I-35 for the Capital Express Central project are starting to come in! TxDOT has conducted a large amount of historic resources (non-archeological) survey work for this project, and I wanted to give you enough time to review these reports. We are posting the reports on our project website and will be notifying you as they come in. TxDOT plans to hold a consulting party meeting in June 2022 to discuss the report findings, answer your questions about the reports, hear your concerns, and discuss next steps. We will be requesting any written comments on the report at a later date, but you are always welcome to send me any of your comments or thoughts via email at any time. TxDOT will collect all comments and will provide responses to your comments. Basically, what we want to hear from you is:

1. Do you agree with the findings of the report? Why or why not?
2. Is there any additional information that TxDOT should consider when looking at these historic properties?
3. What concerns do you have about the potential effects to these properties (not all project impacts are known at this time, and as we continue to work through the process, we will be updating you with that information. For example, TxDOT is still running our traffic noise analyses and our cumulative effects analyses)?

First up will be four intensive survey reports. These reports are in-depth histories of certain properties that have a high potential of being affected by the project, whether through direct acquisition of land or due to adjacent planned construction, visual, noise, or other effects. You are welcome to read all the reports or only the reports you are interested in reading. The following reports will be made available via link sent to you next week by Rick Mitchell of Mead & Hunt:

Alfred and Jacqueline Haster House  
Emmanuel United Methodist Church  
Palm Park  
Robinson Brothers Warehouse

In addition to these reports, three more intensive surveys and the reconnaissance survey report for the entire length of the projects are forthcoming. In the meantime, I've attached a .kmz file that can be viewed with Google Earth. This file shows the location of all the known and recommended historic properties along the corridor, so you can get a sense of what TxDOT will be bringing to you in the future. The purple properties on that file are historic districts along the project corridor, and the blue properties are individual historic properties. As I mentioned, additional reports that support the

findings in the .kmz file will be forthcoming over the next few weeks.

I will be out of the office April 25 through May 6, but will be able to answer your questions when I return. Look for an email coming soon with a link to the project page and the reports. I just wanted to send this email before I left to give you a heads up about the reports and the next steps. Talk to you soon!

Rebekah



**REBEKAH DOBRASKO**

Environmental Program Manager O: 512-416-2570

M: 512-431-3422



## Rick Mitchell

---

**From:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Sent:** Monday, May 16, 2022 2:22 PM  
**To:** Rick Mitchell; bobward7@gmail.com; lindsey@preservationaustin.org; harmjava@yahoo.com; david keene; Justin Kockritz; kim.mcknight@austintexas.gov; Ricardo.Soliz@austintexas.gov; saraz@zlyst.com; thompson@preservationtexas.org; powens@edgeoys.com; jwalker78722@gmail.com; Contreras, Kalan  
**Cc:** Sonya Hernandez; Tricia Bruck-Hoyt-C; Angela McMurray-C; Shirley Nichols; Linda Henderson; Alex Borger; Emily Pettis; Frances Jordan-C; Rebekah Dobrasko  
**Subject:** TxDOT--I-35 CapExpress Central Section 106 SAVE THE DATE  
**Categories:** Filed by Newforma

Good afternoon everyone,

I wanted to let you know that we have now posted additional intensive survey reports to the I-35 Capital Express website here: <https://my35capex.com/resources/environmental-study/>. Links to the reports are under the I-35 Capital Express Central, Historic Resources Survey Reports heading. The reports provide detailed histories and evaluations for:

Walker Brothers Warehouse, 804 E. 4<sup>th</sup> Street (formerly Native Hostel)  
Mount Calvary Cemetery, 2600-2700 block of North I-35, east side  
Elgin-Butler Brick Company Office, 4000 N. I-35 (currently Austin Chronicle offices)

We will be requesting any written comments on the report at a later date, but you are always welcome to send me any of your comments or thoughts via email at any time. TxDOT will collect all comments and will provide responses to your comments. Basically, what we want to hear from you is:

1. Do you agree with the findings of the report? Why or why not?
2. Is there any additional information that TxDOT should consider when looking at these historic properties?
3. What concerns do you have about the potential effects to these properties (not all project impacts are known at this time, and as we continue to work through the process, we will be updating you with that information. For example, TxDOT is still running our traffic noise analyses and our cumulative effects analyses)?

ALSO, please save the date for the next Section 106 consulting party meeting. It will be on **Friday, June 10 from 1:-3:00pm via ZOOM**. You will all receive an official invitation and Zoom link in the next few weeks.

The next report that will be posted online will be the historic resources reconnaissance survey report of the entire I-35 project corridor. That report will be very long with over 500 properties surveyed. We hope to have that report posted by the end of this week, along with a .kmz file that will show all historic properties along the corridor in Google Earth.

Thanks, and have a good week!

Rebekah



REBEKAH DOBRASKO



Environmental Program  
Manager

O: 512-416-2570

M: 512-431-3422



---

**From:** Rick Mitchell <rick.mitchell@meadhunt.com>

**Sent:** Monday, May 2, 2022 11:10 AM

**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>; bobward7@gmail.com; lindsey@preservationaustin.org; Elizabeth.Brummett@austintexas.gov; harmjava@yahoo.com; david keene <jdavidkeene@gmail.com>; Justin Kockritz <justin.kockritz@thc.texas.gov>; kim.mcknight@austintexas.gov; Ricardo.Soliz@austintexas.gov; saraz@zlyst.com; thompson@preservationtexas.org; lauren@edgeoys.com; powens@edgeoys.com; jwalker78722@gmail.com

**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Shirley Nichols <Shirley.Nichols@txdot.gov>; Linda Henderson <Linda.Henderson@txdot.gov>; Alex Borger <Alex.Borger@meadhunt.com>; Emily Pettis <emily.pettis@meadhunt.com>

**Subject:** RE: TxDOT--I-35 CapExpress Central Section 106

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

Good morning all –

As Rebekah mentioned in her April 22 email, four intensive Historic Resources Survey Reports are now available for your review. The reports are located on the I-35 Capital Express website at:

<https://my35capex.com/resources/environmental-study/>. Links to the reports are under the I-35 Capital Express Central, Historic Resources Survey Reports heading. The reports provide detailed histories and evaluations for:

Alfred and Jacqueline Haster House, 3009 North I-35 (currently in use as Glass Coffin business)

Emmanuel United Methodist Church, 200 Brushy Street

Palm Park, 200 North I-35

Robinson Brothers Warehouse, 501 North I-35 (currently in use as 501 Studios office/venue space)

Additional reports will be available in the next few weeks. We look forward to talking with you soon!

Rick

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**RICK MITCHELL**, AICP

PRACTICE LEADER, CULTURAL RESOURCES

Mead & Hunt

Direct: 737-346-3663 | Cell: 512-922-1519 | Transfer Files

meadhunt.com | LinkedIn | Twitter | Facebook | Instagram

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A Texas Department of Transportation message

**HELP**

**#EndTheStreakTX**

End the streak of daily deaths  
on Texas roadways.

## Rick Mitchell

---

**From:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Sent:** Tuesday, May 24, 2022 3:00 PM  
**To:** bobward7@gmail.com; lindsey@preservationaustin.org; megan@preservationaustin.org; kalan.contreras@austintexas.gov; harmjava@yahoo.com; j davidkeene@gmail.com; Justin Kockritz; kim.mcknight@austintexas.gov; Ricardo.Soliz@austintexas.gov; stacilivesay@gmail.com; swedehillna@gmail.com; saraz@zlyst.com; thompson@preservationtexas.org; jrigdon@waterloogreenway.org; colleen.theriot@norwoodparkfoundation.org; paulk@assumptionaustin.com; powens@edgeoys.com; baccaresproject@gmail.com; leadership@blackleaderscollectiveatx.com; stgeorgeaustin@gmail.com; jwalker78722@gmail.com  
**Cc:** Tricia Bruck-Hoyt-C; Sonya Hernandez; Shirley Nichols; Valentine, Shane; Rick Mitchell; Emily Pettis; Alex Borger; Rebekah Dobrasko  
**Subject:** TxDOT--I-35 CapEx Central Section 106 Consultation  
**Categories:** Filed by Newforma

Good afternoon,

You are receiving this email because you are either identified as a consulting party or represent an organization that may be interested in being a consulting party to TxDOT on the I-35 CapEx Central project in downtown Austin. This email is in regards to the non-archeological historic property surveys that TxDOT completed as part of the overall environmental review process for I-35 CapEx Central. TxDOT has completed the following studies on the project area:

1. A reconnaissance survey of the entire project area, encompassing properties within and 150 feet from the overall project Environmental Study Area
2. Detailed intensive surveys of 7 individual properties that may be affected by the construction of the project

You can find PDF copies of the reports here, under I-35 Capital Express Central, Historic Resources Survey Reports, in the middle of the page: <https://my35capex.com/resources/environmental-study/>. Due to the size of the reconnaissance survey report, it has been divided into multiple PDFs. Some of the images may not be clear due to the size of the report. If you would like to see the full report with the clear images, let me know and I can send that to you through Box.com.

At this time, we are requesting your formal review and comment of these reports. TxDOT will collect all comments and will provide responses to your comments. Basically, what we want to hear from you is:

1. Do you agree with the findings of the reports? Why or why not?
2. Is there any additional information that TxDOT should consider when looking at these historic properties?
3. What concerns do you have about the potential effects to these properties (not all project impacts are known at this time, and as we continue to work through the process, we will be updating you with that information. For example, TxDOT is still running our traffic noise analyses and our cumulative effects analyses)?

There are several ways you can provide us with your comments:

- Via email or letter sent digitally to me ([rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov))
- Provided at the upcoming Section 106 consulting party meeting (information below)
- Via individual one-on-one meetings with you/your organization and the project team (request the meeting by emailing me: [rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov))

Please provide us your comments (use the questions above as your guide) within 30 days of this email, or by **June 24, 2022**. If you need additional time to review and comment on these reports, please let me know that as soon as you can.

I will be following up this meeting with a calendar appointment with the Zoom information for the consulting party meeting on **June 10, 2022 from 1:00-3:00pm**. At that meeting, we will walk you through the report findings, answer any questions you may have about the reports or the project, and talk about next steps. Please let me know if you do not receive that invitation.

Thank you for your help on this project!

Sincerely,

Rebekah



**REBEKAH DOBRASKO**

Environmental Program  
Manager

O: 512-416-2570

M: 512-431-3422



---

A Texas Department of Transportation message



## Rick Mitchell

---

**From:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Sent:** Thursday, May 26, 2022 11:42 AM  
**To:** eumc@eumcaustin.org; adminassistant@eumcaustin.org; theglasscoffin13@gmail.com; stacilivesay@gmail.com; selena@txcatholic.org; olivia-herschel@austindiocese.org; ted.eubanks@gmail.com; barbaro@austinchronicle.com; coan.dillahunty@gmail.com; info@midtexmod.org; vwilliamson@501studios.com  
**Cc:** Justin Kockritz; Tricia Bruck-Hoyt-C; Sonya Hernandez; Shirley Nichols; Valentine, Shane; Rick Mitchell; Alex Borger; Emily Pettis; Rebekah Dobrasko  
**Subject:** TxDOT Project--I-35 Capital Express Central, Austin, TX  
**Categories:** Filed by Newforma

Good afternoon,

I am reaching out to contact you as a business owner, property owner, or organization that may be interested in certain historic properties located along I-35 in downtown Austin, Texas. TxDOT is currently undergoing an environmental study for proposed improvements of an 8-mile stretch of the interstate. As part of that study, TxDOT is evaluating properties greater than 45 years old to see if they have any historic significance and should be addressed as such in the planning process for the project. I am a historian with TxDOT that is working on this project. If you would like more information about the proposed work along I-35, please visit our website: <https://my35capex.com/projects/i-35-capital-express-central/>.

TxDOT has completed the majority of the research and identification about the history of, and non-archeological properties along, the project area. Those reports are available now online for your review and comment. You are not required to review or comment on this report, but I wanted to make you aware of the findings of our research of your property. The reports are pretty technical in nature! You can see all the historical resources reports done for this project here, under I-35 Capital Express Central, Historic Resources Survey Reports, in the middle of the page: <https://my35capex.com/resources/environmental-study/>. Due to the size of the reconnaissance survey report, it has been divided into multiple PDFs. Some of the images may not be clear due to the size of the report. If you would like to see the full report with the clear images, let me know and I can send that to you through Box.com. If you have questions about the research done, or the reports' conclusions, please let me know!

We have also informed other organizations interested in the history and preservation of Austin about these reports, including the Travis County Historical Commission, Preservation Austin, the City of Austin, Preservation Texas, and the Texas Historical Commission. They will also be reviewing and commenting on these reports. You also have the opportunity to participate in the review, if you choose to do so. TxDOT will collect all comments and will provide responses to your comments. Basically, what we want to hear from you is:

1. Do you agree with the findings of the reports? Why or why not?
2. Is there any additional information that TxDOT should consider when looking at these historic properties?
3. What concerns do you have about the potential effects to these properties (not all project impacts are known at this time, and as we continue to work through the process, we will be updating you with that information. For example, TxDOT is still running our traffic noise analyses and our cumulative effects analyses)?

There are several ways you can provide us with your comments:

- Via email or letter sent digitally to me ([rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov))
- Provided at the upcoming Section 106 consulting party meeting (information below)

- Via individual one-on-one meetings with you/your organization and the project team (request the meeting by emailing me: [rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov))

**Please provide us your comments (use the questions above as your guide) within 30 days of this email, or by June 24, 2022.** If you need additional time to review and comment on these reports, please let me know that as soon as you can.

I will be following up this meeting with a calendar appointment with the Zoom information for the consulting party meeting on **June 10, 2022 from 1:00-3:00pm**. At that meeting, we will walk you through the report findings, answer any questions you may have about the reports or the project, and talk about next steps. Please let me know if you do not receive that invitation.

Thank you for your time, and if you have any additional questions for me, please let me know.

Sincerely,



**REBEKAH DOBRASKO**

Environmental Program  
Manager

O: 512-416-2570

M: 512-431-3422



---

A Texas Department of Transportation message



## Rick Mitchell

---

**From:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Sent:** Thursday, July 28, 2022 4:01 PM  
**To:** bobward7@gmail.com; lindsey@preservationaustin.org; megghan@preservationaustin.org; kalan.contreras@austintexas.gov; harmjava@yahoo.com; j davidkeene@gmail.com; Justin Kockritz; kim.mcknight@austintexas.gov; Ricardo.Soliz@austintexas.gov; stacilivesay@gmail.com; swedehillna@gmail.com; saraz@zlyst.com; thompson@preservationtexas.org; jrigdon@waterloogreenway.org; colleen.theriot@norwoodparkfoundation.org; powens@edgeoys.com; info@midtexmod.org; Marshall, Sarah  
**Cc:** Tricia Bruck-Hoyt-C; Sonya Hernandez; Shirley Nichols; Valentine, Shane; Rick Mitchell; Emily Pettis; Alex Borger; Frances Jordan-C; Rebekah Dobrasko  
**Subject:** RE: TxDOT--I-35 CapEx Central Section 106 Consultation Updates and New Report  
**Categories:** Filed by Newforma

Good afternoon everyone,

Thank you again for your continued participation in the Section 106 consultation process for the TxDOT I-35 CapEx Central project in Austin. This email serves two purposes:

1. **Reminder** that any comments on TxDOT's assessment of the Butler Hike and Bike Trail as a historic property are due to me by **August 11, 2022**. You can provide any comments you have by replying to this email; and
2. **Announcement** that TxDOT's addendum to our reconnaissance survey of the project area is now available for your review and comment. As part of the overall project, TxDOT must construct a stormwater drainage tunnel and outfall, and proposes to do that below East Cesar Chavez Avenue. While no demolitions are planned as part of this project, there is the potential for construction noise and vibration/settlement impacts. We will be assessing those as part of our overall project assessment. The survey report and its appendices can be found online at: <https://my35capex.com/resources/environmental-study/>, scrolling down to the middle of the page.

Provide any comments on the East Cesar Chavez Addendum report by **Monday, August 29, 2022**. You can provide comments by replying to this email. As a reminder, please let us know the following:

1. Do you agree with our assessment of the properties along East Cesar Chavez?
2. Are we missing any critical information or additional research about these identified properties?
3. Are there other organizations or agencies that we should consult with on the findings of this report?

Thank you again for all your time, reviews, and attention as part of this critical project in Austin. If you have any questions or comments, please let me know!

Sincerely,

Rebekah



REBEKAH DOBRASKO

Environmental Program  
Manager

O: 512-416-2570

M: 512-431-3422



---

A Texas Department of Transportation message

A black rectangular graphic with white and yellow text. The word "HELP" is written in a white, bold, sans-serif font. Below it, the hashtag "#EndTheStreakTX" is written in a yellow, bold, sans-serif font. At the bottom, the text "End the streak of daily deaths on Texas roadways." is written in a white, sans-serif font.

**HELP**  
**#EndTheStreakTX**  
End the streak of daily deaths  
on Texas roadways.



**From:** [Rebekah Dobrasko](#)  
**To:** [bobward7@gmail.com](mailto:bobward7@gmail.com); [lindsey@preservationaustin.org](mailto:lindsey@preservationaustin.org); [meghan@preservationaustin.org](mailto:meghan@preservationaustin.org); [kalan.contreras@austintexas.gov](mailto:kalan.contreras@austintexas.gov); [harmjava@yahoo.com](mailto:harmjava@yahoo.com); [j davidkeene@gmail.com](mailto:j davidkeene@gmail.com); [Justin Kockritz](#); [kim.mcknight@austintexas.gov](mailto:kim.mcknight@austintexas.gov); [Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov); [stacilivesay@gmail.com](mailto:stacilivesay@gmail.com); [swedehillna@gmail.com](mailto:swedehillna@gmail.com); [saraz@zlyst.com](mailto:saraz@zlyst.com); [thompson@preservationtexas.org](mailto:thompson@preservationtexas.org); [jrigdon@waterloogreenway.org](mailto:jrigdon@waterloogreenway.org); [colleen.theriot@norwoodparkfoundation.org](mailto:colleen.theriot@norwoodparkfoundation.org); [powens@edgeoys.com](mailto:powens@edgeoys.com); [info@midtexmod.org](mailto:info@midtexmod.org); Marshall, Sarah  
**Cc:** [Tricia Bruck-Hoyt-C](#); [Sonya Hernandez](#); [shirley.nichols@txdot.gov](mailto:shirley.nichols@txdot.gov); [Valentine, Shane](#); [Rick Mitchell](#); [Emily.pettis](#); [Alex Borger](#); [Frances Jordan-C](#); [Angela McMurray-C](#); [Rebekah Dobrasko](#)  
**Subject:** SAVE THE DATE: TxDOT--I-35 CapEx Central Section 106 Meeting  
**Date:** Monday, September 19, 2022 8:57:01 AM

---

Good morning everyone,

Please SAVE THE DATE for the next Section 106 consulting party meeting for TxDOT's I-35 project in downtown Austin: **Thursday, October 13 from 10:30-12:noon**. The meeting will be held virtually via Zoom, and a meeting link and agenda will follow.

Here are the latest updates on this project:

1. On October 3, TxDOT will provide you the revisions to all the historic resources reports you reviewed over the summer. As part of those revisions, we will provide you with a summary of how we responded to your comments. As a preview, TxDOT found additional historic properties eligible for the National Register of Historic Places and also revised our project to avoid acquiring any property from Mount Calvary Cemetery.
2. At our October 13 meeting, we will be providing you with the latest updates on project effects to historic properties, including how TxDOT plans to address effects that are unknown as this time, such as potential vibratory or settling issues during construction. We will also be discussing project mitigation of historic places that will be adversely affected by the project. Mitigation isn't necessarily constrained to certain things, and the meeting will show you some of TxDOT's mitigation on other projects and will discuss some of the suggested mitigation you have already provided us.

If you have any further questions, please let me know. Please put the date and time on your calendar and I will be in touch with more information in the next few weeks.

Thanks!!

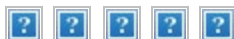
Rebekah



**REBEKAH DOBRASKO**

Environmental Affairs  
Section Director, Cultural  
Resources

O: 512-416-2570  
M: 512-431-3422



**From:** [Rebekah Dobrasko](#)  
**To:** [bobward7@gmail.com](#); [lindsey@preservationaustin.org](#); [meghan@preservationaustin.org](#); [kalan.contreras@austintexas.gov](#); [harmjava@yahoo.com](#); [j davidkeene@gmail.com](#); [Justin Kockritz](#); [kim.mcknight@austintexas.gov](#); [Ricardo.Soliz@austintexas.gov](#); [stacilivesay@gmail.com](#); [swedehillna@gmail.com](#); [saraz@zlyst.com](#); [thompson@preservationtexas.org](#); [jrigdon@waterloogreenway.org](#); [colleen.theriot@norwoodparkfoundation.org](#); [powens@edgeoys.com](#); [info@midtexmod.org](#); [Marshall, Sarah](#)  
**Cc:** [Tricia Bruck-Hoyt-C](#); [Sonya Hernandez](#); [shirley.nichols@txdot.gov](#); [Valentine, Shane](#); [Rick Mitchell](#); [Emily.pettis](#); [Alex Borger](#); [Frances Jordan-C](#); [Angela McMurray-C](#); [Rebekah Dobrasko](#)  
**Subject:** RE: SAVE THE DATE: TxDOT--I-35 CapEx Central Section 106 Meeting  
**Date:** Wednesday, October 5, 2022 10:58:05 AM  
**Attachments:** [I35 Mitigation Ideas.docx](#)

---

Good morning everyone,

I wanted to follow up on my SAVE THE DATE email with additional information about the consulting party meeting scheduled for next **Thursday, October 13 from 10:30-12:noon**. The meeting will be held via Zoom, and the link to the meeting is below (scroll to the bottom!). I will also be sending out a calendar appointment to you with the same meeting link if you wish to use that appointment instead.

1. While not all the reports are finalized and online yet, the majority of the historic property identification reports are finalized and available for your review on our website here: <https://my35capex.com/resources/environmental-study/>. The final Mount Calvary Cemetery report will be uploaded at some point today (and labeled as FINAL), and the revised reconnaissance survey report will be uploaded by the end of the week. Thank you again for your review and comments on the many reports TxDOT produced as part of this project. All of your comments, as well as our responses to those comments, can be found in Appendix F of the reports. If there is no Appendix F, that means we did not receive any consulting party comments on the report.
2. We need to begin discussions about mitigation for the adverse impacts to historic properties. We received some comments on potential mitigation outcomes, which I am attaching here for your review prior to our meeting. Mitigation can be creative, and we also want our mitigation plan for the historic properties to reflect the needs and desires of your organization and the work that you are doing. While we do not need to develop specific actions at this meeting, we are asking for guidance on understanding what you would like to see from us and ways we can mitigate the losses of more of Austin's historic fabric.

Please let me know if you have any additional questions or comments at this time, and I look forward to seeing you all next week!

Sincerely,

Rebekah

Rebekah Dobrasko  
Section Director, Cultural Resources

TxDOT—Environmental Affairs

Physical Address:

6230 E. Stassney Ln.

Austin, TX 78744

[rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov)

(512) 431-3422 (please leave message)

Topic: 10/13 - CapEx- Central Consulting Party Meeting

Time: Oct 13, 2022 10:30 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82524688515>

Meeting ID: 825 2468 8515

One tap mobile

+13462487799,,82524688515# US (Houston)

+16694449171,,82524688515# US

Dial by your location

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+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

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+1 253 215 8782 US (Tacoma)

+1 564 217 2000 US

+1 646 931 3860 US

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

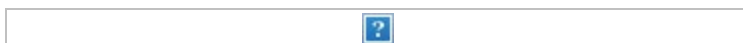
+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

Meeting ID: 825 2468 8515

Find your local number: <https://us06web.zoom.us/u/ksXyMcuzD>



## **I-35 CapEx Central Mitigation Ideas**

### **Summary of potential mitigation opportunities based on consulting party comments:**

- More information or further study on the following topics related to resources in the project area:
  - Mexican American/Latino/Hispanic history in Austin
  - African American history in Austin
  - LGBTQIA history in Austin
  - Women homeowners and business owners
  - Postwar working-class neighborhoods
  - UT Brutalist architecture
  - Postwar churches (specifically Hispanic/Latino and Black)
  - Postwar schools (specifically related to Mexican American educators and history of segregation)
  - Infrastructure-based displacement and barrier creation in Austin
- Reconnection-based and community-led mitigation efforts
- Acknowledgment of how past highway construction, urban renewal, industrial corridor creation resulted in displacement and loss of cultural resources
- Interpretive materials and/or placemaking efforts, etc.
- Consider the preservation of culturally significant places identified by City of Austin's Cultural Asset Mapping Project (CAMP) and the broader preservation recommendations set forth by Our Future 35
- Mitigate further integrity loss of corridor-adjacent cultural and historic resources
- More information on AquaFest and the role of Festival Beach at Town Lake Park
- One request to take any measures necessary to save Elgin Butler Brick Building. No mitigation suggestions related directly to Dura Tune Service Station or Haster House.

### **Consulting party comments related to mitigation:**

- [Comment on Sanchez Elementary, recommended Not Eligible but shows interest in general Austin Mexican American or Latino history that could play into broader mitigation activities]: Would like to see brief discussion on whether or not any significant Mexican American educators were found to be associated, and whether Cruz A. Lopez' significance as an architect and former student was considered. Lori Renteria with Tejano Trails may be a good resource.
- Explore economic impact of potential loss of historic fabric, legacy businesses, and district integrity by performing detailed analysis/projections for affected resources.
- Create historic context report re: historical displacement and barrier creation related to IH-35 through the twentieth century.
- Encourage reconnection-based, community-led mitigation with acknowledgement of I-35's context of past segregation, cultural erasure, and resident displacement/historic resource loss through urban renewal, industrial corridor creation, and highway construction practices before, during, and after the segregation era.
- Encourage creation of historic interpretive materials, placemaking efforts, etc.
- Mitigate further integrity loss of corridor-adjacent cultural and historic resources.

- [Comment on Delwood, Not Eligible but shows interest in general history of underrepresented groups in Austin]: The character of this neighborhood is still largely intact. And the stories of that character are replete with histories of many, many formerly underrepresented communities: women homeowners, women business owners, a long history of LGBTQ+ neighbors active in the community, a variety of prominent political leaders in the communities, organized outreach and support to people experiencing homelessness (very much a part of the mission of St. George's Church), and more.
- In addition to these traditional academic research sources and methods, we strongly advise the project team to review the City of Austin's Cultural Asset Mapping Project (CAMP) and incorporate its conclusions into their findings. We strongly advise the project team to consider the preservation of culturally significant places identified by CAMP—both in East Austin and throughout the APE—in addition to the broader preservation recommendations set forth by Our Future 35.
- [Comment on Delwood I and II. Not Eligible but highlights a potential opportunity for additional study of mid-century working class neighborhoods]: The spaces and places associated with the working and middle classes have too often been overlooked by traditional preservation, and we urge the project team to reevaluate Delwood I & II's historic integrity with this consideration in mind.
- Additional research is needed on AquaFest. [This comment is on the Town Lake Park intensive which noted the story of community activism surrounding AquaFest in the 1970s. This may show interest in exploring the broader history of East Austin activism in Austin and/or Mexican American/Latino history in general.]
- Several comments and questions on the historic context section of the report that show interest in more study of African American history in Austin.
- Emphatically concur with the findings of significance for the Elgin Butler Brick headquarters, and to request that any mitigation measures possible be implemented to save the building. In addition to its National Register eligibility, it is also eligible as a City of Austin landmark.

**From:** [Rebekah Dobrasko](#)  
**To:** [Marx, Michelle](#); [Marshall, Sarah](#); [Kim McKnight](#); [Contreras, Kalan](#); [Alex Borger](#); [Rick Mitchell](#); [meghan@preservationaustin.org](mailto:meghan@preservationaustin.org); "Bob Ward"; [powens@edgeoys.com](mailto:powens@edgeoys.com)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Shirley Nichols](#); [Tommy Abrego](#); [Eric Bennett](#)  
**Subject:** RE: TxDOT--I-35 CapEx Central Mitigation Discussion  
**Date:** Tuesday, December 13, 2022 9:24:51 AM  
**Attachments:** [Mitigation Meeting Agenda December 13 2022.docx](#)

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Hi everyone,

My apologies for this very late agenda, but here is the agenda for the meeting this afternoon. The meeting will be on Microsoft Teams, I hope you can make it!

Rebekah

-----Original Appointment-----

**From:** Rebekah Dobrasko  
**Sent:** Wednesday, November 30, 2022 8:51 AM  
**To:** Rebekah Dobrasko; Marx, Michelle; Marshall, Sarah; Kim McKnight; Contreras, Kalan; Alex Borger; Rick Mitchell; [meghan@preservationaustin.org](mailto:meghan@preservationaustin.org); 'Bob Ward'; [powens@edgeoys.com](mailto:powens@edgeoys.com)  
**Cc:** Sonya Hernandez; Tricia Bruck-Hoyt-C; Shirley Nichols; Tommy Abrego; Eric Bennett  
**Subject:** TxDOT--I-35 CapEx Central Mitigation Discussion  
**When:** Tuesday, December 13, 2022 2:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada).  
**Where:** Microsoft Teams Meeting

This meeting will be more of a guided brainstorming session, but bring your ideas about what your organization would like to see from TxDOT to mitigate the loss of historic properties along I-35. Feel free to forward this appointment as appropriate, too.

I will send out an agenda by Friday.

Rebekah

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## Microsoft Teams meeting

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 244 810 665 87

Passcode: ujPgrj

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[txdot-gov@m.webex.com](mailto:txdot-gov@m.webex.com)

Video Conference ID: 112 722 868 0

[Alternate VTC instructions](#)

**Or call in (audio only)**

[+1 737-787-8607,,613620931#](#) United States, Austin

Phone Conference ID: 613 620 931#

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I-35 Capital Express Central Project  
 Section 106 Mitigation Meeting Agenda  
 December 13, 2022  
 2:00-3:00pm  
 Microsoft Teams

2:00pm	Welcome and Introductions	Rebekah Dobrasko, TxDOT
2:05pm	Overview of Mitigation <ul style="list-style-type: none"> <li>• Selection of Projects</li> <li>• Budget</li> <li>• Timeline</li> </ul>	Rebekah Dobrasko
2:15pm	General Mitigation Ideas <ul style="list-style-type: none"> <li>• Elgin-Butler Brick Company Office</li> <li>• Survey research and documentation</li> <li>• Other ideas</li> </ul>	Rebekah Dobrasko
2:25pm	Organization Needs/Wants/Plans City of Austin Corridor Office City of Austin PARD City of Austin Historic Preservation Office Preservation Austin	Group
2:57pm	Next Steps	Rebekah Dobrasko

Anticipated Timeline:

Winter 2022/2023: TxDOT to publish the draft Environmental Impact Statement (EIS) for review and hold a Public Hearing. Part of the hearing will involve requesting the public's input and ideas for mitigation. The Draft EIS will identify a Preferred Alternative.

Winter 2022/2023: Continue to solicit mitigation ideas from organizations not in this meeting:
 

- Travis County Historical Commission
- Six Square
- Other project stakeholders

Spring 2023: Finalize mitigation plan and document in programmatic agreement.

Summer 2023: TxDOT to publish the combined Final EIS and Record of Decision. This will include all mitigation commitments from TxDOT



**From:** [Rebekah Dobrasko](#)  
**To:** [Sonya Hernandez](#); [david keene](#)  
**Cc:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#)  
**Subject:** RE: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties  
**Date:** Thursday, December 29, 2022 5:34:01 PM

---

Hi David,

Please also note that with the draft EIS is the traffic noise analysis report and the suggestions for noise walls or other noise mitigation. I was waiting for this information to be released before talking with you/the neighborhood further about potential noise impacts. We can maybe schedule something later in January to discuss effects with our traffic noise specialists, too, if you would like.

I'll be back officially in the office on January 2!

Rebekah

Rebekah Dobrasko  
Section Director, Cultural Resources

TxDOT—Environmental Affairs  
Physical Address:  
6230 E. Stassney Ln.  
Austin, TX 78744

[rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov)  
(512) 431-3422 (please leave message)

---

**From:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>  
**Sent:** Thursday, December 29, 2022 12:24 PM  
**To:** david keene <jdavidkeene@gmail.com>  
**Cc:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>  
**Subject:** RE: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

Good afternoon David,

Yes, the Draft EIS is available on the project website here: [I-35 Capital Express Central Project – Draft Environmental Impact Statement – Capital Express \(my35capex.com\)](#)

Or on the TxDOT website here: [TxDOT.gov](https://www.txdot.gov)

The preferred alternative, Modified Alternative Three, does include some changes that have been made since the Open House/Public Meeting we held in August of 2021 and you can see those changes reflected in the schematics that are on those websites and in the DEIS document. This should reflect what you all have discussed in our most recent Section 106 consulting party meetings.

Thanks!

Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

---

**From:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>

**Sent:** Thursday, December 29, 2022 12:10 PM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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

Sonya,

Thanks for the info. A question:

- The EIS for the Central project is now published, correct?
- The preferred design: "Modified Alternative Three", has new changes? And that is also now visible on the web site, correct?

David

David Keene  
President, digiDaybook  
[davidkeene@digiDaybook.com](mailto:davidkeene@digiDaybook.com)  
[www.digiDaybook.com](http://www.digiDaybook.com)  
[@digiDaybook](https://www.instagram.com/digiDaybook)  
512-922-8413



On Thu, Dec 29, 2022 at 11:42 AM Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)> wrote:

Good afternoon,

As a Section 106 consulting party or interested stakeholder for the I-35 Capital Express Central project in Travis County, you are invited to attend a public hearing on Thursday, Feb. 9, 2023, from 5-7 p.m. The hearing will be virtual with an in-person option and will provide an opportunity for review and comment on the draft EIS for the project, including the identification of the Preferred Alternative. The newspaper advertisement and the Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option are attached to this email.

The I-35 Capital Express Central project is approximately 8 miles in length and would include removing the existing I-35 upper decks, lowering the roadway and adding two high-occupancy vehicle managed lanes in each direction along I-35. The project will also reconstruct east-west cross-street bridges, add pedestrian and bicycle paths, improve transit accommodations and make additional safety and mobility improvements within the project limits.

The hearing will be held at the Millennium Youth Entertainment Complex, 1156 Hargrave Street, Austin, TX 78702. Parking is available on the property. In-person attendees will be able to view the same presentation delivered in the virtual public hearing, review the draft EIS, ask questions of TxDOT staff and leave written comments.

A virtual option will also be held on Thursday, Feb. 9, 2023, at 5 p.m. To access the virtual public hearing, go to [My35CapEx.com](http://My35CapEx.com). The virtual hearing will consist of a pre-recorded video presentation and will include both audio and visual components. The virtual hearing will remain available for viewing online until Tuesday, March 7, 2023, at 11:59 p.m.

The draft EIS is available online and at the following locations for review:

- [My35CapEx.com](http://My35CapEx.com) and [TxDOT.gov](http://TxDOT.gov)
- TxDOT Austin District Office, 7901 N I-35, Austin, TX 78753
- Carver Library, 1161 Angelina St., Austin, TX 78702
- Ruiz Library, 1600 Grove Blvd., Austin, TX 78741
- Southeast Library, 5803 Nuckols Crossing Rd., Austin, TX 78744
- Montopolis Recreation and Community Center, 1200 Montopolis Dr., Austin, TX 78741

Public and agency comments may be submitted at the public hearing or via any of the following methods:

- EMAIL: [capexcentral@txdot.gov](mailto:capexcentral@txdot.gov)
- VERBAL COMMENT BY VOICEMAIL: (512) 651-2948

- MAIL: I-35 Capital Express Central Project Team, 1608 W. 6th Street, Austin, TX 78703
- ONLINE: [My35CapEx.com](http://My35CapEx.com) or [TxDOT.gov](http://TxDOT.gov)

Comments received between 9 a.m. on Thursday, Jan. 5, 2023, and 11:59 p.m. on Tuesday, March 7, 2023, will be included in the official hearing record.

If you need additional information on the project or the hearing, please contact me or the Mobility35 Program Manager, Tommy Abrego, P.E. at (512) 832-7280.

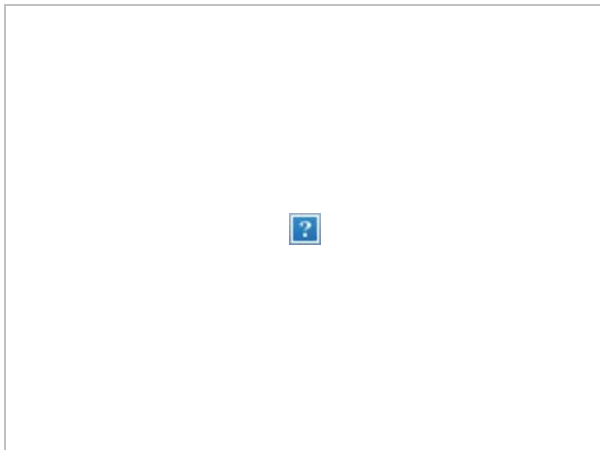
Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096



**From:** [Rebekah Dobrasko](#)  
**To:** [Marx, Michelle](#); [Marshall, Sarah](#); [Kim McKnight](#); [Contreras, Kalan](#); [Alex Borger](#); [Rick Mitchell](#); [meghan@preservationaustin.org](#); "Bob Ward"; [powens@edgeoys.com](#)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Shirley Nichols](#); [Tommy Abrego](#); [Eric Bennett](#); [Justin Kockritz](#)  
**Subject:** TxDOT--I-35 CapEx Central Mitigation Discussion  
**Date:** Monday, January 2, 2023 10:43:29 AM  
**Attachments:** [ConsPartyMitigationMtg\\_221213.pdf](#)

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Hello everyone,

I hop you had a nice and peaceful holiday season. Here are the meeting notes from our meeting about historic preservation mitigation last month. I'm looking forward to talking more with you all this month! I'm sure you all received notification, but just a reminder that our draft Environmental Impact Statement (EIS) for this project is available for review and comment now!  
<https://my35capex.com/draft-eis/>

Please let me know if you have any questions at this time, and I will be in touch!

Rebekah



**REBEKAH DOBRASKO**

Environmental Affairs

Section Director, Cultural

Resources

O: 512-416-2570

M: 512-431-3422



I-35 Capital Express Central Project  
Section 106 Mitigation Meeting Notes  
December 13, 2022  
2:00-3:00pm  
Microsoft Teams

Attendees:

Rebekah Dobrasko – Texas Department of Transportation (TxDOT) Environmental Affairs Division (ENV)  
Michelle Marx – City of Austin (COA) Corridor Program Office/Our Future 35  
Sarah Marshall – COA Parks and Recreation Department (PARC)  
Kim McKnight – COA PARC  
Tommy Abrego – TxDOT Austin District (AUS) Mobility35  
Sonya Hernandez – TxDOT AUS  
Shirley Nichols – TxDOT AUS  
Meghan King – Preservation Austin  
Tricia Bruck-Hoyt – TxDOT AUS Mobility35 General Engineering Consultant (GEC)  
Pamela Owens – Six Square (joined during meeting)

2:00pm Welcome and Introductions Rebekah Dobrasko, TxDOT

Rebekah led attendee introductions. She welcomed Michelle Marx as a representative of the COA Corridor Program Office as a new Participant in the Section 106 process. Rebekah provided a summary of caps and stitches in relation to the CapEx Central project.

2:05pm Overview of Mitigation Rebekah Dobrasko

- Selection of Projects
- Budget
- Timeline

Rebekah explained mitigation in the context of historic resources. There are many types of project-related mitigation, but Section 106-related mitigation is focused specifically on the loss of, or effects to, historic properties resulting from the project. Section 106 mitigation is developed in conjunction with consulting parties. There is no set prescription on what is required in terms of specific activities or dollar amount. TxDOT is interested in understanding what consulting party projects, programs, or desires might benefit from mitigation.

We are coming to the end of the timeline now for Section 106 and for the environmental process. TxDOT will develop a plan to continue dialogue through the project, with some commitments. The plan will include some commitments now but will also have a plan for making more decisions and commitments later.

2:15pm General Mitigation Ideas Rebekah Dobrasko

- Elgin-Butler Brick Company (EBBC) Main Office
- Survey research and documentation
- Other ideas

Rebekah reminded the group that she sent ideas out in November that came from ideas from consulting party comments and brainstorming with Justin Kockritz at the Texas Historical Commission (THC). Accessibility of materials is important to consider. TxDOT's mitigation for the Harbor Bridge project in Corpus Christi was developed fully bilingual materials. Another consideration is making mitigation materials accessible for those who are hearing-impaired or vision-impaired.

2:25pm

#### Organization Needs/Wants/Plans

City of Austin Corridor Program Office  
 City of Austin Parks and Recreation Department (PARC)  
 City of Austin Historic Preservation Office  
 Preservation Austin

Kim asked for clarifications on the geographic boundaries for this project. Rebekah explained that mitigation for this project is limited to CapEx Central only, between US 290 East and US 290 West/SH 71 (Ben White). Kim suggested an overall interpretive plan to craft the stories we want to tell related to I-35 – the good, the bad, the ugly – to tell the story of place. The plan could be an umbrella document that could include multiple partners, formats, exhibit locations, etc. It should be facilitated and community-oriented to gather actual community ideas and story lines on the front end. COA PARC has numerous community partners such as the Trail Conservancy, Oakwood Cemetery advocates, and Waterloo Greenway Conservancy. Kim highlighted the Pease Park Conservancy's interpretive plan as an example (<https://peasepark.org/interpretive-plan>).

Michelle agreed with Kim's comments. Michelle and Kim have been discussing ways to develop a master interpretive plan for I-35 corridor, through combining efforts and collaboration. The master interpretive plan would tie in with placemaking, wayfinding, and interpretation work. The cap-and-stitch program will already have a lot of community input and can provide good coordination opportunities. The caps and stitches can provide places to house installations and allow visitors to interact. Grant proposals have been submitted for cap-and-stitch funding through the federal Reconnecting Communities program, and an interpretive plan was included as part of that submittal.

Michelle said the cap-and-stitch program would be happy to find a way to reuse the EBBC Main Office bricks in a way to tell the story of that building. A stitch located near the area could be a good location for that. Rebekah added that TxDOT plans on a lot of public area at the Airport Boulevard intersection that may be good. She also noted that THC had asked TxDOT to investigate possible relocation of the EBBC Main Office building.

Kim asked about the possibility of having implementation funding as mitigation to carry out the recommendations of the overall interpretive plan. Other mitigation ideas could include static signage, apps, or temporary placemaking during construction.

Rebekah discussed other mitigation opportunities that TxDOT is considering. She said that Mead & Hunt has prepared a lot of information and one goal is to think of way to incorporate that into mitigation so the information is not lost on a shelf in technical reports. TxDOT could partner with COA

in more survey and designation work such as developing historic landmark applications, updating National Register nominations, or conducting surveys. TxDOT would not submit applications or nominations but could provide to COA or the community to do so. Specific locations could include the survey of the Summit/Woodland area, East Cesar Chavez landmark application, 6<sup>th</sup> Street Historic district update if feasible politically, and/or boundary extensions for National Register-listed Willow Spence or Swede Hill historic districts. Another idea is to expand existing historic walking/driving tours. Kim agreed updating surveys for neighborhoods close to I-35 would be crucial, especially those that are most vulnerable to development.

Meghan said a possibility would be a Mexican American heritage tour. Preservation Austin has a lot of information already gathered from interns' work including oral histories, that is housed at the Austin History Center. Preservation Austin would also support updating nominations and conducting new surveys. For the East Cesar Chavez area, some business owners have taken an interest in getting a historic district designation. Preservation Austin's board member Miriam Conner is involved with that and could be a good resource to get more information on how to get involved. Preservation Austin doesn't have the resources to lead the placemaking efforts but can support and help in any way.

Kim and Meghan both recommended investigating the CIA equity-based preservation plan to find possible opportunities for intersecting goals. Phase I of the plan was a small Certified Local Government grant. Phase II will involve more implementation and toolkits. The community engagement phase won't start until spring 2023 so there is some time to coordinate. Cara Bertron is now with the COA anti-displacement office and is the person to contact regarding the equity plan. Kim will forward links to the plan to the chat group.

Pamela Owens joined the call and provided a summary of Six Square's activities that might tie into mitigation. The "What Once Was" program is interpreting the history of what happened on the east side in a way that builds bridges for moving forward. Six Square and other organizations are focusing on "course correction" of misinformation and inaccurate information on what is happening around growth. They have also been working to clarify the differences between National Register and local landmarks for the community. Pamela felt Six Square's role can be to help build trust and to center and lift up the voices of the community. For this effort, the group should always keep in mind and check in about intentions vs. impacts – good intentions can have unintended impacts.

2:57pm

Next Steps

Rebekah Dobrasko

Rebekah told the group that Mead & Hunt is taking notes during the meeting and will send out minutes/notes. Rebekah will also follow up with Bob Ward/Travis County Historical Commission, contact Cara Bertron, and look at the Pease Park interpretive plan.

TxDOT is still collecting input and ideas and will be doing more research on some of the ideas. TxDOT is researching feasibility of THC request to investigate moving EBBC Main Office, Haster House, and Roberts House.

The public hearing for the project will be held in February 2023. Consulting parties will be notified with more information. At the public hearing and during the comment period for the Draft Environmental Impact Statement (DEIS), TxDOT will solicit additional input for mitigation ideas from the public as well as from stakeholders. Through winter 2022/2023, TxDOT will continue to work



through how to implement mitigation and will continue to gather information on potential impacts, such as noise and vibration, to historic properties

The DEIS will be the next big step in the process. Consulting parties will have an opportunity to review the DEIS. The DEIS will announce the preferred alternative and its potential impacts on environmental subject areas. TxDOT will then work with consulting parties to finalize the mitigation plan and Programmatic Agreement (PA). The PA will spell out that TxDOT is going to create a plan and may include who will be involved and how it will be implemented. The PA will also include measures to minimize impacts during construction. The last step in the formal environmental process will be the Final EIS and Record of Decision which will include environmental commitments.

The next step for TxDOT relating to historic properties is to develop a mitigation plan and send out to consulting parties to get thoughts and input. Michelle asked if consulting parties would be reviewing the mitigation plan before the DEIS. Rebekah replied that the mitigation plan review would be towards the end of the DEIS review period or just after the DEIS review period so that the mitigation plan could reflect any public input.

Anticipated Timeline:

- Winter 2022/2023: TxDOT to publish the draft Environmental Impact Statement (EIS) for review and hold a Public Hearing. Part of the hearing will involve requesting the public's input and ideas for mitigation. The Draft EIS will identify a Preferred Alternative.
- Winter 2022/2023: Continue to solicit mitigation ideas from organizations not in this meeting:
- Travis County Historical Commission
  - Six Square
  - Other project stakeholders
- Spring 2023: Finalize mitigation plan and document in programmatic agreement.
- Summer 2023: TxDOT to publish the combined Final EIS and Record of Decision. This will include all mitigation commitments from TxDOT

**From:** [Rebekah Dobrasko](#)  
**To:** [david keene](#)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Rick Mitchell](#); [Valentine, Shane](#); [Asendorf Hyde, Terri](#)  
**Subject:** RE: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties  
**Date:** Wednesday, January 18, 2023 10:31:45 AM

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I also meant to send you this link to our traffic noise brochure. While it is high level, it may help with the process a bit: <https://ftp.txdot.gov/pub/txdot-info/env/toolkit/730-01-bro.pdf>

Rebekah

---

**From:** Rebekah Dobrasko  
**Sent:** Wednesday, January 18, 2023 10:25 AM  
**To:** david keene <jdavidkeene@gmail.com>  
**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Rick Mitchell <rick.mitchell@meadhunt.com>; Valentine, Shane <shane.valentine@hdrinc.com>; Asendorf Hyde, Terri <terri.asendorf@hdrinc.com>  
**Subject:** RE: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

Hi David,

Thank you for your patience with me as we worked through how to best answer your questions. I also appreciate your questions so we can help provide you with the detail you need.

1. Our engineering team will be working to get you information about the depth of lowering I-35 lanes at the various points you mentioned. The actual depth may still be changed as the project progresses to the detailed design and specifications phase. Our engineering team will also get information about the drainage, although we may just not have specifics yet at this point.
2. We do not have a 3D drive through video for this alternative.
3. We will be working with you to schedule a meeting with our traffic noise specialists later in February, after the in-person public hearing for this project but before the comment period closes.
4. We are not sure who will be overseeing any billboards in the project area and will need to do additional research to determine if that is a local zoning process or a TxDOT process.

We will be in touch soon with some answers we do have and to schedule a meeting about traffic noise.

Thank you for your participation in this process!

Sincerely,

Rebekah



**REBEKAH DOBRASKO**

Environmental Affairs

Section Director, Cultural

Resources

O: 512-416-2570

M: 512-431-3422



---

**From:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>

**Sent:** Thursday, January 12, 2023 11:52 AM

**To:** Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>

**Cc:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>

**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Rebekah, and TXDoT team Sonya, Tricia, Angela,

Replying here to your last request:

Yes, as President of the Wilshire Wood/Delwood 1 Neighborhood Association (WWD1), I do want to schedule a meeting where the TXDoT team can present a brief deck to our neighbors, to take questions, etc.

However, **before we schedule such a meeting, I would like to do a brief Zoom meeting with your team, and me**, to clarify a few things. These are the questions I have, that if I could get some clarity on these things first, it would make a future meeting with TXDoT/WWD1 NA more efficient.

These are my questions for you, now, based on TXDoT's latest publicly released DEIS, schematics, etc:

All these questions refer to the "Central" portion of the I35 Capital Express project, and the "Modified Alternative 3" design:

- I35 as it goes from 15th street to 51st St., will be "lowered". But, **lowered below ground level by how many feet, at each section?**

- lowered below ground level by how many feet, adjacent to WWD1? (section from 38 ½ St. to

Airport Blvd.)

- How much lowered, i.e. what depth beneath ground level, under Red Line crossing (just south of Airport Blvd)?

- How much lowered, i.e. what depth beneath ground level, at intersection with Ardenwood Rd.; with Wilshire Blvd; with the Crestview alley; and with St. George's church?

- Is there some video that indicates how deep, i.e. how much lowered below ground level, each section of the hwy is, at each point through Central portion?

- Are there any 2D renderings, schematics, etc, that indicate how deep, i.e. how much lowered below ground level, each section of the hwy is, at each point through Central portion?

- Does TXDoT have a **3D, “drive through” video**, for the “Modified Alternative 3” design, as it passes from downtown Austin through Airport?

- **Noise walls:**

- I am confused as to: is TXDoT considering them for the portions of WWD1 that abut I35? Your notes in your last email, seem to indicate, yes. But:

- Why was WWD1 not addressed in the DEIS, re: noise pollution issues/noise abatement?

(Cherrywood was, and in fact TXDoT’s new design schematics for Modified Alternative 3, show Noise walls being spec’ed in for several areas in Cherrywood. So why not for WWD1?)

- TXDoT has not yet answered: In our last Section 106 meeting (I am of course on the Section 106 committee for the Central portion of the project), I brought up, and in fact your minutes of that meeting describe: the question was raised on the issue of Noise walls, specifically about TXDoT’s “normal” policy of only the homeowners of properties that directly abut the highway can “vote” on whether to ask for Noise walls. But as you recall, and it’s in the minutes of the meeting: Federal law (see the Historic Preservation Act of 1966) clearly states that any environmental impact on **any portion** of the NRHD (National Register Historic District) needs to be addressed, re: Section 106 issues.

We in the Wilshire National Register Historic District need clarification that noise pollution issues in any part of our NRHD resulting from the new build, will be addressed by TXDoT – the entire neighborhood would be able to vote on noise walls for example.

- What are height parameters for Noise walls?

- Can utility issues cause a planned Noise wall to not be built, after TXDoT has spec’ed them in?

- What about **billboards**? What happens to current commercial billboards that are there in our neighborhood today, that have to be removed for the new build, vs what happens to Billboards (permissions, regulations, etc) once the new build is in place?

- The **Drainage system** at Parkwood/Airport Blvd:

I understand from our last Section 106 meeting, that TXDoT is responsible for the design of “drainage”. In our WWD1 neighborhood, specifically, please reference: the corner of Parkwood and Airport Blvd; and the corner of Crestwood and Airport Blvd. (both those corners, together, form the entrance from the Airport Blvd drainage system into Boggy Creek as Boggy Creek runs into WWD1. What effect will TXDoT’s new design have on that specific drainage system?

Note, WWD1 is now officially a City of Austin “Adopt a Creek” partner, and our WWD1 NA has a “Creek Committee” to deal with those issues. Our Creek Committee needs assurances that any

changes to that drainage system are in alignment with what our NA together, officially, with the City of Austin Watershed Dept., are actively doing in that section of Boggy Creeks.

Can get those questions answered.... Zoom meeting? Other?

Thanks for all your attention to detail.

Let me know,

Thanks,

David Keene

President, Wilshire Wood/Delwood 1 Neighborhood Association (WWD1)

512-922-8413



On Fri, Dec 30, 2022 at 11:32 AM david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)> wrote:

Rebekah, and team,

Thanks for the note, and clarification.

I have not had time to read EIS for the I35 Capital Express/Central Project, yet. But I will read it next week.

I did glance at the new Map/Designs, for "Modified Alternative Three" (is it still called that? i.e. the "preferred" design now) and I noticed:

- TXDoT does indicate some "sound walls" in the Cherrywood section: around 38 1/2 street, and south of there (with a few arrows on the map, but no detail about size, height, exact placement, etc.)
- the map/design does not show any proposed sound walls between 38 1/2 st. and Airport (on the east side of I35)... so, yes, I was wondering about that, and TXDoT did agree in our previous Section 106 meetings to address that, and clarify a number of things about the process (refer to the minutes from our last Section 106 meeting).

Yes, I would like to start a discussion with TXDoT about sound walls and noise mitigation in general, for the portions of the project that affect the Wilshire National Register Historic District, as well as Delwood 1.

Let's circle back end of next week about that, to schedule a meeting, etc.

Thanks, and Happy New Year....

David

David Keene  
President, Wilshire Wood/Delwood 1 Neighborhood Association  
4208 Lullwood Rd.  
Austin, 78722  
512-922-8413



On Thu, Dec 29, 2022 at 5:34 PM Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)> wrote:

Hi David,

Please also note that with the draft EIS is the traffic noise analysis report and the suggestions for noise walls or other noise mitigation. I was waiting for this information to be released before talking with you/the neighborhood further about potential noise impacts. We can maybe schedule something later in January to discuss effects with our traffic noise specialists, too, if you would like.

I'll be back officially in the office on January 2!

Rebekah

Rebekah Dobrasko  
Section Director, Cultural Resources

TxDOT—Environmental Affairs  
Physical Address:  
6230 E. Stassney Ln.  
Austin, TX 78744

[rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov)  
(512) 431-3422 (please leave message)

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Sent:** Thursday, December 29, 2022 12:24 PM

**To:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>

**Cc:** Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>

**Subject:** RE: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability

and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

Good afternoon David,

Yes, the Draft EIS is available on the project website here: [I-35 Capital Express Central Project – Draft Environmental Impact Statement – Capital Express \(my35capex.com\)](#)

Or on the TxDOT website here: [TxDOT.gov](#)

The preferred alternative, Modified Alternative Three, does include some changes that have been made since the Open House/Public Meeting we held in August of 2021 and you can see those changes reflected in the schematics that are on those websites and in the DEIS document. This should reflect what you all have discussed in our most recent Section 106 consulting party meetings.

Thanks!

Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

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**From:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>

**Sent:** Thursday, December 29, 2022 12:10 PM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Sonya,

Thanks for the info. A question:

- The EIS for the Central project is now published, correct?
- The preferred design: "Modified Alternative Three", has new changes? And that is also now visible on the web site, correct?

David

David Keene  
President, digiDaybook  
[davidkeene@digiDaybook.com](mailto:davidkeene@digiDaybook.com)  
[www.digiDaybook.com](http://www.digiDaybook.com)  
[@digiDaybook](#)  
512-922-8413



On Thu, Dec 29, 2022 at 11:42 AM Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)> wrote:

Good afternoon,

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- ONLINE: [My35CapEx.com](http://My35CapEx.com) or [TxDOT.gov](http://TxDOT.gov)

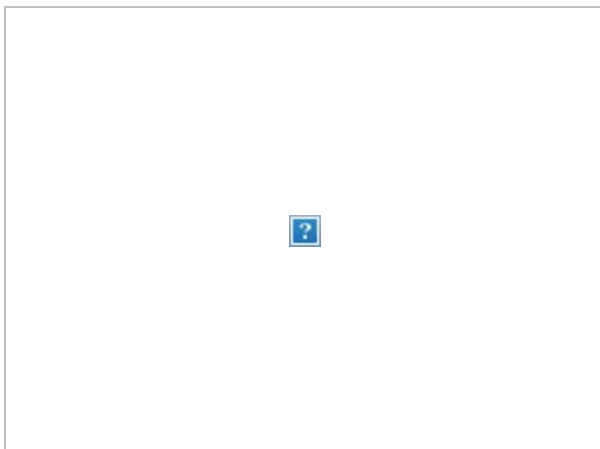
Comments received between 9 a.m. on Thursday, Jan. 5, 2023, and 11:59 p.m. on Tuesday, March 7, 2023, will be included in the official hearing record.

If you need additional information on the project or the hearing, please contact me or the Mobility35 Program Manager, Tommy Abrego, P.E. at (512) 832-7280.

Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096



**From:** [Rebekah Dobrasko](#)  
**To:** [david keene](#)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Rick Mitchell](#); [Valentine, Shane](#); [Asendorf Hyde, Terri](#)  
**Subject:** RE: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties  
**Date:** Thursday, January 19, 2023 2:16:05 PM

---

Hi David,

We will be able to answer those questions for you at the February meeting with our noise experts. Unfortunately, our staff will only be able to have one meeting with the neighborhood association about this, so we are not able to meet with you individually.

The basic answer to your questions about noise and WWHD and Delwood I HD is that TxDOT does not believe there is a significant noise impact to the neighborhoods nor that noise walls could significantly reduce any impacts. Going into WHY we found that is outside my purview and why I would like to have this meeting, so you can hear from the experts and ask any follow up questions you may have. Based on our noise analysis, we also do not believe that the proposed traffic noise levels will adversely affect those districts under Section 106.

I'm happy to start looking for times that could work for the meeting about noise, would you like to suggest some dates and times that could work for y'all or would you like me to put out some suggestions from the TxDOT team? Would y'all prefer to meet with us during business hours or in the evening/weekend?

Thank you,

Rebekah

---

**From:** david keene <jdavidkeene@gmail.com>  
**Sent:** Thursday, January 19, 2023 12:00 PM  
**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Rick Mitchell <rick.mitchell@meadhunt.com>; Valentine, Shane <shane.valentine@hdrinc.com>; Asendorf Hyde, Terri <Terri.Asendorf@hdrinc.com>  
**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Rebekah, and team,

Thanks for the reply.

I look forward to receiving the further information/clarification on the questions/issues that you

specify.

But in your reply above, I don't see a reference to my question:

- Why was WWD1 not addressed in the DEIS, re: noise pollution issues/noise abatement? (Cherrywood was, and in fact TXDoT's new design schematics for Modified Alternative 3, show Noise walls being spec'ed in for several areas in Cherrywood. So why not for WWD1?)

- Also, TXDoT has not yet answered: In our last Section 106 meeting (I am of course on the Section 106 committee for the Central portion of the project), I brought up, and in fact your minutes of that meeting describe: the question was raised on the issue of Noise walls, specifically about TXDoT's "normal" policy of only the homeowners of properties that directly abut the highway can "vote" on whether to ask for Noise walls. But as you recall, and it's in the minutes of the meeting: Federal law (see the Historic Preservation Act of 1966) clearly states that any environmental impact on **any portion** of the NRHD (National Register Historic District) needs to be addressed, re: Section 106 issues. The Noise mitigation brochure you sent me the link to, does not address the issue of "majority voting" when a National Register Historic District is involved – that was the crux of my question. But do note that the crucial question here, is not voting (since we have not gotten there yet) but the question of Noise Walls adjacent to WWD1 as spec'ed in by TXDoT (regardless of "who votes for them").

You did mention that you would have a "Traffic Noise" specialist contact me, but how will my specific questions about the placement of noise walls be addressed? Those questions are key to my being able to schedule a meeting between TXDoT and the Wilshire Wood/Delwood 1 Neighborhood Association (that includes the Wilsher National Register Historic District).

Since your "public comment period" ends on March 7, 2023, it's urgent that we, the Wilshire Wood/Delwood 1 Neighborhood Association and Wilsher National Register Historic District, have time to review all information. Can we set up specific dates in February for a Zoom or MS teams meeting for:

- Meeting in mid-February: TXDoT to update me, as President of Wilshire Wood/Delwood 1 Neighborhood Association and Wilsher National Register Historic District, on the needed information referred to in my last two emails.

And, separately, and a week or so after that first meeting, a second Zoom or MS teams meeting for:

- Meeting in last week of February the latest: TXDoT to answer questions from residents of Wilshire Wood/Delwood 1 (and the idea here, is that I answer all the easy questions for them, before that meeting, based on the information you're providing me.... this meeting will be to answer further questions...)

Let me know about the above.

Thanks,

David Keene

President, Wilshire Wood/Delwood 1 Neighborhood Association

U.S. Department of Transportation, Section 106 Committee, Orange Line, Project Connect/Austin  
TXDoT Section 106 Committee, I35 Capital Express Central Project, Austin

512-922-8413



On Wed, Jan 18, 2023 at 10:25 AM Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)> wrote:

Hi David,

Thank you for your patience with me as we worked through how to best answer your questions. I also appreciate your questions so we can help provide you with the detail you need.

1. Our engineering team will be working to get you information about the depth of lowering I-35 lanes at the various points you mentioned. The actual depth may still be changed as the project progresses to the detailed design and specifications phase. Our engineering team will also get information about the drainage, although we may just not have specifics yet at this point.
2. We do not have a 3D drive through video for this alternative.
3. We will be working with you to schedule a meeting with our traffic noise specialists later in February, after the in-person public hearing for this project but before the comment period closes.
4. We are not sure who will be overseeing any billboards in the project area and will need to do additional research to determine if that is a local zoning process or a TxDOT process.

We will be in touch soon with some answers we do have and to schedule a meeting about traffic noise.

Thank you for your participation in this process!

Sincerely,

Rebekah



**REBEKAH DOBRASKO**

Environmental Affairs  
Section Director, Cultural  
Resources

O: 512-416-2570  
M: 512-431-3422



---

**From:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>  
**Sent:** Thursday, January 12, 2023 11:52 AM  
**To:** Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>  
**Cc:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>  
**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Rebekah, and TXDoT team Sonya, Tricia, Angela,

Replying here to your last request:

Yes, as President of the Wilshire Wood/Delwood 1 Neighborhood Association (WWD1), I do want to schedule a meeting where the TXDoT team can present a brief deck to our neighbors, to take questions, etc.

However, ***before we schedule such a meeting, I would like to do a brief Zoom meeting with your team, and me,*** to clarify a few things. These are the questions I have, that if I could get some clarity on these things first, it would make a future meeting with TXDoT/WWD1 NA more efficient.

These are my questions for you, now, based on TXDoT's latest publicly released DEIS, schematics, etc:

All these questions refer to the "Central" portion of the I35 Capital Express project, and the "Modified Alternative 3" design:

- I35 as it goes from 15th street to 51st St., will be "lowered". But, **lowered below ground level by how many feet, at each section?**
  - lowered below ground level by how many feet, adjacent to WWD1? (section from 38 ½ St. to Airport Blvd.)
  - How much lowered, i.e. what depth beneath ground level, under Red Line crossing (just south of Airport Blvd)?
  - How much lowered, i.e. what depth beneath ground level, at intersection with Ardenwood Rd.; with Wilshire Blvd; with the Crestview alley; and with St. George's church?
  - Is there some video that indicates how deep, i.e. how much lowered below ground level, each section of the hwy is, at each point through Central portion?
  - Are there any 2D renderings, schematics, etc, that indicate how deep, i.e. how much lowered below ground level, each section of the hwy is, at each point through Central portion?

- Does TXDoT have a **3D, “drive through” video**, for the “Modified Alternative 3” design, as it passes from downtown Austin through Airport?

- **Noise walls:**

- I am confused as to: is TXDoT considering them for the portions of WWD1 that abut I35? Your notes in your last email, seem to indicate, yes. But:

- Why was WWD1 not addressed in the DEIS, re: noise pollution issues/noise abatement?

(Cherrywood was, and in fact TXDoT’s new design schematics for Modified Alternative 3, show Noise walls being spec’ed in for several areas in Cherrywood. So why not for WWD1?)

- TXDoT has not yet answered: In our last Section 106 meeting (I am of course on the Section 106 committee for the Central portion of the project), I brought up, and in fact your minutes of that meeting describe: the question was raised on the issue of Noise walls, specifically about TXDoT’s “normal” policy of only the homeowners of properties that directly abut the highway can “vote” on whether to ask for Noise walls. But as you recall, and it’s in the minutes of the meeting: Federal law (see the Historic Preservation Act of 1966) clearly states that any environmental impact on **any portion** of the NRHD (National Register Historic District) needs to be addressed, re: Section 106 issues.

We in the Wilshire National Register Historic District need clarification that noise pollution issues in any part of our NRHD resulting from the new build, will be addressed by TXDoT – the entire neighborhood would be able to vote on noise walls for example.

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- Can utility issues cause a planned Noise wall to not be built, after TXDoT has spec’ed them in?

- What about **billboards**? What happens to current commercial billboards that are there in our neighborhood today, that have to be removed for the new build, vs what happens to Billboards (permissions, regulations, etc) once the new build is in place?

- The **Drainage system** at Parkwood/Airport Blvd:

I understand from our last Section 106 meeting, that TXDoT is responsible for the design of “drainage”. In our WWD1 neighborhood, specifically, please reference: the corner of Parkwood and Airport Blvd; and the corner of Crestwood and Airport Blvd. (both those corners, together, form the entrance from the Airport Blvd drainage system into Boggy Creek as Boggy Creek runs into WWD1. What effect will TXDoT’s new design have on that specific drainage system?

Note, WWD1 is now officially a City of Austin “Adopt a Creek” partner, and our WWD1 NA has a “Creek Committee” to deal with those issues. Our Creek Committee needs assurances that any changes to that drainage system are in alignment with what our NA together, officially, with the City of Austin Watershed Dept., are actively doing in that section of Boggy Creeks.

Can get those questions answered.... Zoom meeting? Other?

Thanks for all your attention to detail.

Let me know,

Thanks,

David Keene

President, Wilshire Wood/Delwood 1 Neighborhood Association (WWD1)

512-922-8413



On Fri, Dec 30, 2022 at 11:32 AM david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)> wrote:

Rebekah, and team,

Thanks for the note, and clarification.

I have not had time to read EIS for the I35 Capital Express/Central Project, yet. But I will read it next week.

I did glance at the new Map/Designs, for "Modified Alternative Three" (is it still called that? i.e. the "preferred" design now) and I noticed:

- TXDoT does indicate some "sound walls" in the Cherrywood section: around 38 1/2 street, and south of there (with a few arrows on the map, but no detail about size, height, exact placement, etc.)
- the map/design does not show any proposed sound walls between 38 1/2 st. and Airport (on the east side of I35)... so, yes, I was wondering about that, and TXDoT did agree in our previous Section 106 meetings to address that, and clarify a number of things about the process (refer to the minutes from our last Section 106 meeting).

Yes, I would like to start a discussion with TXDoT about sound walls and noise mitigation in general, for the portions of the project that affect the Wilshire National Register Historic District, as well as Delwood 1.

Let's circle back end of next week about that, to schedule a meeting, etc.

Thanks, and Happy New Year....

David

David Keene

President, Wilshire Wood/Delwood 1 Neighborhood Association

4208 Lullwood Rd.

Austin, 78722

512-922-8413



On Thu, Dec 29, 2022 at 5:34 PM Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)> wrote:

Hi David,

Please also note that with the draft EIS is the traffic noise analysis report and the suggestions for noise walls or other noise mitigation. I was waiting for this information to be released before talking with you/the neighborhood further about potential noise impacts. We can maybe schedule something later in January to discuss effects with our traffic noise specialists, too, if you would like.

I'll be back officially in the office on January 2!

Rebekah

Rebekah Dobrasko  
Section Director, Cultural Resources

TxDOT—Environmental Affairs  
Physical Address:  
6230 E. Stassney Ln.  
Austin, TX 78744

[rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov)  
(512) 431-3422 (please leave message)

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Sent:** Thursday, December 29, 2022 12:24 PM  
**To:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>  
**Cc:** Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>  
**Subject:** RE: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

Good afternoon David,  
Yes, the Draft EIS is available on the project website here: [I-35 Capital Express Central Project – Draft Environmental Impact Statement – Capital Express \(my35capex.com\)](https://my35capex.com)

Or on the TxDOT website here: [TxDOT.gov](https://www.txdot.gov)

The preferred alternative, Modified Alternative Three, does include some changes that have



been made since the Open House/Public Meeting we held in August of 2021 and you can see those changes reflected in the schematics that are on those websites and in the DEIS document. This should reflect what you all have discussed in our most recent Section 106 consulting party meetings.

Thanks!

Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

---

**From:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>

**Sent:** Thursday, December 29, 2022 12:10 PM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Sonya,

Thanks for the info. A question:

- The EIS for the Central project is now published, correct?
- The preferred design: "Modified Alternative Three", has new changes? And that is also now visible on the web site, correct?

David

David Keene  
President, digiDaybook  
[davidkeene@digiDaybook.com](mailto:davidkeene@digiDaybook.com)  
[www.digiDaybook.com](http://www.digiDaybook.com)  
[@digiDaybook](https://www.instagram.com/digiDaybook)  
512-922-8413



On Thu, Dec 29, 2022 at 11:42 AM Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)> wrote:

Good afternoon,

As a Section 106 consulting party or interested stakeholder for the I-35 Capital Express Central project in Travis County, you are invited to attend a public hearing on Thursday, Feb. 9, 2023, from 5-7 p.m. The hearing will be virtual with an in-person option and will provide an opportunity for review and comment on the draft EIS for the project, including the identification of the Preferred Alternative. The newspaper advertisement and the Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option are attached to this email.

The I-35 Capital Express Central project is approximately 8 miles in length and would include removing the existing I-35 upper decks, lowering the roadway and adding two high-occupancy vehicle managed lanes in each direction along I-35. The project will also reconstruct east-west cross-street bridges, add pedestrian and bicycle paths, improve transit accommodations and make additional safety and mobility improvements within the project limits.

The hearing will be held at the Millennium Youth Entertainment Complex, 1156 Hargrave Street, Austin, TX 78702. Parking is available on the property. In-person attendees will be able to view the same presentation delivered in the virtual public hearing, review the draft EIS, ask questions of TxDOT staff and leave written comments.

A virtual option will also be held on Thursday, Feb. 9, 2023, at 5 p.m. To access the virtual public hearing, go to [My35CapEx.com](http://My35CapEx.com). The virtual hearing will consist of a pre-recorded video presentation and will include both audio and visual components. The virtual hearing will remain available for viewing online until Tuesday, March 7, 2023, at 11:59 p.m.

The draft EIS is available online and at the following locations for review:

- [My35CapEx.com](http://My35CapEx.com) and [TxDOT.gov](http://TxDOT.gov)
- TxDOT Austin District Office, 7901 N I-35, Austin, TX 78753
- Carver Library, 1161 Angelina St., Austin, TX 78702
- Ruiz Library, 1600 Grove Blvd., Austin, TX 78741
- Southeast Library, 5803 Nuckols Crossing Rd., Austin, TX 78744
- Montopolis Recreation and Community Center, 1200 Montopolis Dr., Austin, TX 78741

Public and agency comments may be submitted at the public hearing or via any of the following methods:

- EMAIL: [capexcentral@txdot.gov](mailto:capexcentral@txdot.gov)
- VERBAL COMMENT BY VOICEMAIL: (512) 651-2948
- MAIL: I-35 Capital Express Central Project Team, 1608 W. 6th Street, Austin, TX 78703
- ONLINE: [My35CapEx.com](http://My35CapEx.com) or [TxDOT.gov](http://TxDOT.gov)

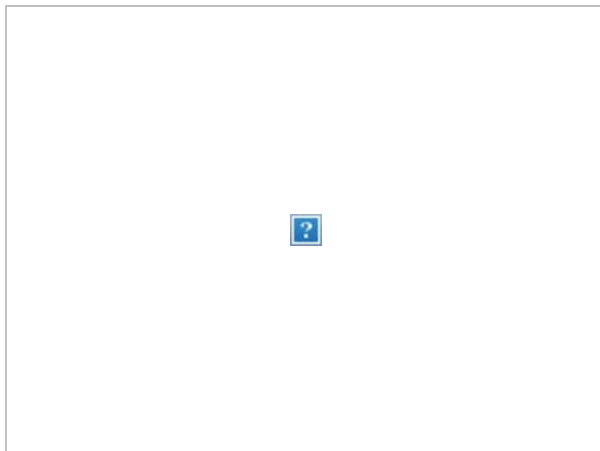
Comments received between 9 a.m. on Thursday, Jan. 5, 2023, and 11:59 p.m. on Tuesday, March 7, 2023, will be included in the official hearing record.

If you need additional information on the project or the hearing, please contact me or the Mobility35 Program Manager, Tommy Abrego, P.E. at (512) 832-7280.

Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096



**From:** [Rebekah Dobrasko](#)  
**To:** [david keene](#)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Rick Mitchell](#); [Valentine, Shane](#); [Asendorf Hyde, Terri](#)  
**Subject:** RE: I-35 Capital Express Central Project -  
**Date:** Monday, January 23, 2023 8:22:57 AM

---

Hello David,

Here are some answers to your below questions regarding some of the engineering for this project:

1. Do we know the depth in feet, below ground level, of the proposed I-35 at the following sections (NOTE: TxDOT does have cross sections for these areas if you would like to see them):
  - Between 15<sup>th</sup> St. and 51<sup>st</sup> St.
    - Mainlane Depth Below Existing Ground - min = 0', max = 63'
    - Mainlane Depth Relative to ROW - min = 10', max = 76'
  - Between 38 ½ St. to Airport Blvd.
    - Mainlane Depth Below Existing Ground - min = 5', max = 43'
    - Mainlane Depth Relative to ROW - min = 16', max = 38'
  - At Red Line crossing just south of Airport Blvd.
    - Mainlane Depth Below Existing Ground - min = 30', max = 38'
    - Mainlane Depth Relative to ROW - min = 27', max = 38'
  - At the following intersections:
    - Ardenwood Rd.
      - Mainlane Depth Below Existing Ground - min = 30', max = 35'
      - Mainlane Depth Relative to ROW - min = 29', max = 32'
    - Wilshire Blvd.
      - Mainlane Depth Below Existing Ground - min = 22', max = 27'
      - Mainlane Depth Relative to ROW - min = 20', max = 22'
    - Crestview Alley
      - Mainlane Depth Below Existing Ground - min = 33', max = 37'
      - Mainlane Depth Relative to ROW - min = 35', max = 37'
    - St. George's Church
      - Mainlane Depth Below Existing Ground - min = 33', max = 38'
      - Mainlane Depth Relative to ROW - min = 30', max = 38'

2. Drainage along Boggy Creek:

The Boggy Creek area is being actively studied right now. TxDOT's team is scheduled to submit a final drainage report in March 2023. It is important to note that we are developing a more detailed 2D XPSWMM (stormwater management) model which will more accurately model overland and storm drain flow to Boggy Creek. Currently, during large storm events runoff travels to the headwaters of

Boggy Creek via a box culvert and overland flow down Airport Boulevard. The I-35 CapEx Central project will sever both the existing box culvert and overland flow down Boggy, and is proposing new box culverts to reconnect this flow. The I-35 project will not increase peak flow rates at the headwaters of Boggy Creek. The additional modeling we are doing will better describe both pre- and post-project conditions. We are also working the City of Austin on improvements in this area. The City's Airport Blvd project will likely be constructed before the I-35 CapEx Central project and thus the city will be putting in the ultimate drainage system along Airport and at the Boggy Creek outfall. The TxDOT system will tie into the city's system. We are scheduled to coordinate with the City in mid-February 2023 on what is required.

I will be calling you later today or tomorrow to discuss meeting, too.

Sincerely,

Rebekah

---

**From:** david keene <jdavidkeene@gmail.com>

**Sent:** Thursday, January 12, 2023 11:52 AM

**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>

**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>

**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Rebekah, and TXDoT team Sonya, Tricia, Angela,

Replying here to your last request:

Yes, as President of the Wilshire Wood/Delwood 1 Neighborhood Association (WWD1), I do want to schedule a meeting where the TXDoT team can present a brief deck to our neighbors, to take questions, etc.

However, **before we schedule such a meeting, I would like to do a brief Zoom meeting with your team, and me**, to clarify a few things. These are the questions I have, that if I could get some clarity on these things first, it would make a future meeting with TXDoT/WWD1 NA more efficient.

These are my questions for you, now, based on TXDoT's latest publicly released DEIS, schematics, etc:

All these questions refer to the "Central" portion of the I35 Capital Express project, and the "Modified Alternative 3" design:

- I35 as it goes from 15th street to 51st St., will be “lowered”. But, **lowered below ground level by how many feet, at each section?**

- lowered below ground level by how many feet, adjacent to WWD1? (section from 38 ½ St. to Airport Blvd.)
- How much lowered, i.e. what depth beneath ground level, under Red Line crossing (just south of Airport Blvd)?
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- Are there any 2D renderings, schematics, etc, that indicate how deep, i.e. how much lowered below ground level, each section of the hwy is, at each point through Central portion?

- Does TXDoT have a **3D, “drive through” video**, for the “Modified Alternative 3” design, as it passes from downtown Austin through Airport?

- **Noise walls:**

- I am confused as to: is TXDoT considering them for the portions of WWD1 that abut I35? Your notes in your last email, seem to indicate, yes. But:
  - Why was WWD1 not addressed in the DEIS, re: noise pollution issues/noise abatement? (Cherrywood was, and in fact TXDoT’s new design schematics for Modified Alternative 3, show Noise walls being spec’ed in for several areas in Cherrywood. So why not for WWD1?)
  - TXDoT has not yet answered: In our last Section 106 meeting (I am of course on the Section 106 committee for the Central portion of the project), I brought up, and in fact your minutes of that meeting describe: the question was raised on the issue of Noise walls, specifically about TXDoT’s “normal” policy of only the homeowners of properties that directly abut the highway can “vote” on whether to ask for Noise walls. But as you recall, and it’s in the minutes of the meeting: Federal law (see the Historic Preservation Act of 1966) clearly states that any environmental impact on **any portion** of the NRHD (National Register Historic District) needs to be addressed, re: Section 106 issues.

We in the Wilshire National Register Historic District need clarification that noise pollution issues in any part of our NRHD resulting from the new build, will be addressed by TXDoT – the entire neighborhood would be able to vote on noise walls for example.

- What are height parameters for Noise walls?
- Can utility issues cause a planned Noise wall to not be built, after TXDoT has spec’ed them in?

- What about **billboards**? What happens to current commercial billboards that are there in our neighborhood today, that have to be removed for the new build, vs what happens to Billboards (permissions, regulations, etc) once the new build is in place?

- The **Drainage system** at Parkwood/Airport Blvd:

I understand from our last Section 106 meeting, that TXDoT is responsible for the design of “drainage”. In our WWD1 neighborhood, specifically, please reference: the corner of Parkwood and Airport Blvd; and the corner of Crestwood and Airport Blvd. (both those corners, together, form the entrance from the Airport Blvd drainage system into Boggy Creek as Boggy Creek runs into WWD1.

What effect will TXDoT's new design have on that specific drainage system?

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Can get those questions answered.... Zoom meeting? Other?

Thanks for all your attention to detail.

Let me know,

Thanks,

David Keene

President, Wilshire Wood/Delwood 1 Neighborhood Association (WWD1)

512-922-8413



On Fri, Dec 30, 2022 at 11:32 AM david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)> wrote:

Rebekah, and team,

Thanks for the note, and clarification.

I have not had time to read EIS for the I35 Capital Express/Central Project, yet. But I will read it next week.

I did glance at the new Map/Designs, for "Modified Alternative Three" (is it still called that? i.e. the "preferred" design now) and I noticed:

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Let's circle back end of next week about that, to schedule a meeting, etc.

Thanks, and Happy New Year....

David

David Keene  
President, Wilshire Wood/Delwood 1 Neighborhood Association  
4208 Lullwood Rd.  
Austin, 78722  
512-922-8413



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Hi David,

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I'll be back officially in the office on January 2!

Rebekah

Rebekah Dobrasko  
Section Director, Cultural Resources

TxDOT—Environmental Affairs  
Physical Address:  
6230 E. Stassney Ln.  
Austin, TX 78744

[rebekah.dobrasko@txdot.gov](mailto:rebekah.dobrasko@txdot.gov)  
(512) 431-3422 (please leave message)

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Sent:** Thursday, December 29, 2022 12:24 PM



**To:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>

**Cc:** Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>

**Subject:** RE: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

Good afternoon David,

Yes, the Draft EIS is available on the project website here: [I-35 Capital Express Central Project – Draft Environmental Impact Statement – Capital Express \(my35capex.com\)](https://my35capex.com)

Or on the TxDOT website here: [TxDOT.gov](https://www.txdot.gov)

The preferred alternative, Modified Alternative Three, does include some changes that have been made since the Open House/Public Meeting we held in August of 2021 and you can see those changes reflected in the schematics that are on those websites and in the DEIS document. This should reflect what you all have discussed in our most recent Section 106 consulting party meetings.

Thanks!

Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

---

**From:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>

**Sent:** Thursday, December 29, 2022 12:10 PM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Sonya,

Thanks for the info. A question:

- The EIS for the Central project is now published, correct?

- The preferred design: "Modified Alternative Three", has new changes? And that is also now visible on the web site, correct?

David

David Keene

President, digiDaybook

[davidkeene@digiDaybook.com](mailto:davidkeene@digiDaybook.com)

[www.digiDaybook.com](http://www.digiDaybook.com)

[@digiDaybook](#)

512-922-8413



On Thu, Dec 29, 2022 at 11:42 AM Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)> wrote:

Good afternoon,

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The I-35 Capital Express Central project is approximately 8 miles in length and would include removing the existing I-35 upper decks, lowering the roadway and adding two high-occupancy vehicle managed lanes in each direction along I-35. The project will also reconstruct east-west cross-street bridges, add pedestrian and bicycle paths, improve transit accommodations and make additional safety and mobility improvements within the project limits.

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Public and agency comments may be submitted at the public hearing or via any of the following methods:

- EMAIL: [capexcentral@txdot.gov](mailto:capexcentral@txdot.gov)
- VERBAL COMMENT BY VOICEMAIL: (512) 651-2948
- MAIL: I-35 Capital Express Central Project Team, 1608 W. 6th Street, Austin, TX 78703
- ONLINE: [My35CapEx.com](http://My35CapEx.com) or [TxDOT.gov](http://TxDOT.gov)

Comments received between 9 a.m. on Thursday, Jan. 5, 2023, and 11:59 p.m. on Tuesday, March 7, 2023, will be included in the official hearing record.

If you need additional information on the project or the hearing, please contact me or the Mobility35 Program Manager, Tommy Abrego, P.E. at (512) 832-7280.

Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
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**From:** [Rebekah Dobrasko](#)  
**To:** [david keene](#)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Rick Mitchell](#); [Valentine, Shane](#); [Asendorf Hyde, Terri](#)  
**Subject:** RE: I-35 Capital Express Central Project -  
**Date:** Wednesday, January 25, 2023 9:27:24 AM  
**Attachments:** [CapExCentral\\_CrossSections\\_Airport\\_To\\_32nd.pdf](#)

---

Hello David,

Here is the PDF of the cross sections of I-35 near Wilshire Wood.

- 1) The horizontal and vertical axes aren't the same. Every solid line equals 20 feet width on the horizontal but equals 10 feet on the vertical. So it's not as deep as one would think from a quick look.
- 2) The dashed dark-green line is the existing profile.
- 3) All the views are "facing" south, with the east side of roadway to the left and west side to the right.

Intersection	Approximate Stationing	PDF Page
Fernwood Road	Sta. 3135	1
Airport Boulevard (East side of I-35)	Sta. 3137	2
Crestwood Road	Sta. 3142	4
Ardenwood Road	Sta. 3146	7
Cap Metro RR (East side of I-35)	Sta. 3150	9
Wilshire Blvd./E. 41 <sup>st</sup> Street	Sta. 3156	12
East 38 ½ Street	Sta. 3167-3168	20
Concordia Avenue	Sta. 3175	28
Edgewood Avenue	Sta. 3183	36
East 32 <sup>nd</sup> Street (East side of I-35)	Sta. 3188	41
East 32 <sup>nd</sup> Street (West side of I-35)	Sta. 3190	43

Hope this helps!

Rebekah

---

**From:** david keene <jdavidkeene@gmail.com>  
**Sent:** Monday, January 23, 2023 10:46 AM  
**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Rick Mitchell <rick.mitchell@meadhunt.com>; Valentine, Shane <shane.valentine@hdrinc.com>; Asendorf Hyde, Terri <Terri.Asendorf@hdrinc.com>  
**Subject:** Re: I-35 Capital Express Central Project -



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Rebekah, and TXDoT team,

Thanks for the further information. And to answer your question Rebekah, yes, I would like to see the drawings/schematics that you mention— that show the "cross sections" and show the depth of the highway below the ground level and ROW (between about 32nd to, to Airport BLVD). I appreciate that those "depths" are not exact at this point, but it would be helpful to understand how the depth of the proposed lanes beneath ground level might mitigate noise pollution issues if in fact they do that.

Can you forward PDF's that show those cross sections? Or a link if those are housed online.

And yes Rebekah, look forward to your phone call – to get a better idea of what "meetings" will take place. A bit confused as to different meetings that will or can take place – Section 106 meetings (I'm on that committee, and in the last 106 meeting TXDoT said that the Section 106 meetings would continue even through future "cap and stitch" additions that could happen) vs. public meetings (like the Feb. 9 Public meeting) vs. a "Traffic Noise"/Noise wall meeting vs. a meeting of TXDoT staff with the Wilshire Wood/Delwood 1 Neighborhood Association (WWD1).

Thanks

David Keene

President, Wilshire Wood/Delwood 1 Neighborhood Association (WWD1)

512-922-8413



On Mon, Jan 23, 2023 at 8:22 AM Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)> wrote:

Hello David,

Here are some answers to your below questions regarding some of the engineering for this project:

1. Do we know the depth in feet, below ground level, of the proposed I-35 at the following sections (NOTE: TxDOT does have cross sections for these areas if you would like to see them):
  - Between 15<sup>th</sup> St. and 51<sup>st</sup> St.
    - Mainlane Depth Below Existing Ground - min = 0', max = 63'
    - Mainlane Depth Relative to ROW - min = 10', max = 76'

- Between 38 ½ St. to Airport Blvd.
  - Mainlane Depth Below Existing Ground - min = 5', max = 43'
  - Mainlane Depth Relative to ROW - min = 16', max = 38'
  
- At Red Line crossing just south of Airport Blvd.
  - Mainlane Depth Below Existing Ground - min = 30', max = 38'
  - Mainlane Depth Relative to ROW - min = 27', max = 38'
  
- At the following intersections:
  - Ardenwood Rd.
    - Mainlane Depth Below Existing Ground - min = 30', max = 35'
    - Mainlane Depth Relative to ROW - min = 29', max = 32'
  
  - Wilshire Blvd.
    - Mainlane Depth Below Existing Ground - min = 22', max = 27'
    - Mainlane Depth Relative to ROW - min = 20', max = 22'
  
  - Crestview Alley
    - Mainlane Depth Below Existing Ground - min = 33', max = 37'
    - Mainlane Depth Relative to ROW - min = 35', max = 37'
  
  - St. George's Church
    - Mainlane Depth Below Existing Ground - min = 33', max = 38'
    - Mainlane Depth Relative to ROW - min = 30', max = 38'

## 2. Drainage along Boggy Creek:

The Boggy Creek area is being actively studied right now. TxDOT's team is scheduled to submit a final drainage report in March 2023. It is important to note that we are developing a more detailed 2D XPSWMM (stormwater management) model which will more accurately model overland and storm drain flow to Boggy Creek. Currently, during large storm events runoff travels to the headwaters of Boggy Creek via a box culvert and overland flow down Airport Boulevard. The I-35 CapEx Central project will sever both the existing box culvert and overland flow down Boggy, and is proposing new box culverts to reconnect this flow. The I-35 project will not increase peak flow rates at the headwaters of Boggy Creek. The additional modeling we are doing will better describe both pre- and post-project conditions. We are also working the City of Austin on improvements in this area. The City's Airport Blvd project will likely be constructed before the I-35 CapEx Central project and thus the city will be putting in the ultimate drainage system along Airport and at the Boggy Creek outfall. The TxDOT system will tie into the city's system. We are scheduled to coordinate with the City in mid-February 2023 on what is required.

I will be calling you later today or tomorrow to discuss meeting, too.

Sincerely,

Rebekah

---

**From:** david keene <[jdavidkeene@gmail.com](mailto:jdavidkeene@gmail.com)>  
**Sent:** Thursday, January 12, 2023 11:52 AM  
**To:** Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>  
**Cc:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>  
**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Rebekah, and TXDoT team Sonya, Tricia, Angela,

Replying here to your last request:

Yes, as President of the Wilshire Wood/Delwood 1 Neighborhood Association (WWD1), I do want to schedule a meeting where the TXDoT team can present a brief deck to our neighbors, to take questions, etc.

However, ***before we schedule such a meeting, I would like to do a brief Zoom meeting with your team, and me***, to clarify a few things. These are the questions I have, that if I could get some clarity on these things first, it would make a future meeting with TXDoT/WWD1 NA more efficient.

These are my questions for you, now, based on TXDoT's latest publicly released DEIS, schematics, etc:

All these questions refer to the "Central" portion of the I35 Capital Express project, and the "Modified Alternative 3" design:

- I35 as it goes from 15th street to 51st St., will be "lowered". But, **lowered below ground level by how many feet, at each section?**

- lowered below ground level by how many feet, adjacent to WWD1? (section from 38 ½ St. to Airport Blvd.)

- How much lowered, i.e. what depth beneath ground level, under Red Line crossing (just south of Airport Blvd)?

- How much lowered, i.e. what depth beneath ground level, at intersection with Ardenwood Rd.; with Wilshire Blvd; with the Crestview alley; and with St. George's church?

- Is there some video that indicates how deep, i.e. how much lowered below ground level, each section of the hwy is, at each point through Central portion?

- Are there any 2D renderings, schematics, etc, that indicate how deep, i.e. how much lowered below ground level, each section of the hwy is, at each point through Central portion?

- Does TXDoT have a **3D, “drive through” video**, for the “Modified Alternative 3” design, as it passes from downtown Austin through Airport?

- **Noise walls:**

- I am confused as to: is TXDoT considering them for the portions of WWD1 that abut I35? Your notes in your last email, seem to indicate, yes. But:

- Why was WWD1 not addressed in the DEIS, re: noise pollution issues/noise abatement?

(Cherrywood was, and in fact TXDoT’s new design schematics for Modified Alternative 3, show Noise walls being spec’ed in for several areas in Cherrywood. So why not for WWD1?)

- TXDoT has not yet answered: In our last Section 106 meeting (I am of course on the Section 106 committee for the Central portion of the project), I brought up, and in fact your minutes of that meeting describe: the question was raised on the issue of Noise walls, specifically about TXDoT’s “normal” policy of only the homeowners of properties that directly abut the highway can “vote” on whether to ask for Noise walls. But as you recall, and it’s in the minutes of the meeting: Federal law (see the Historic Preservation Act of 1966) clearly states that any environmental impact on **any portion** of the NRHD (National Register Historic District) needs to be addressed, re: Section 106 issues.

We in the Wilshire National Register Historic District need clarification that noise pollution issues in any part of our NRHD resulting from the new build, will be addressed by TXDoT – the entire neighborhood would be able to vote on noise walls for example.

- What are height parameters for Noise walls?

- Can utility issues cause a planned Noise wall to not be built, after TXDoT has spec’ed them in?

- What about **billboards**? What happens to current commercial billboards that are there in our neighborhood today, that have to be removed for the new build, vs what happens to Billboards (permissions, regulations, etc) once the new build is in place?

- The **Drainage system** at Parkwood/Airport Blvd:

I understand from our last Section 106 meeting, that TXDoT is responsible for the design of “drainage”. In our WWD1 neighborhood, specifically, please reference: the corner of Parkwood and Airport Blvd; and the corner of Crestwood and Airport Blvd. (both those corners, together, form the entrance from the Airport Blvd drainage system into Boggy Creek as Boggy Creek runs into WWD1. What effect will TXDoT’s new design have on that specific drainage system?

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Thanks for all your attention to detail.

Let me know,

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Austin, 78722

512-922-8413



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I'll be back officially in the office on January 2!

Rebekah

Rebekah Dobrasko  
Section Director, Cultural Resources

TxDOT—Environmental Affairs  
Physical Address:  
6230 E. Stassney Ln.  
Austin, TX 78744

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**Sent:** Thursday, December 29, 2022 12:24 PM  
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Mobile Phone: 512-649-6478

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**Sent:** Thursday, December 29, 2022 12:10 PM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Subject:** Re: Subject Line: I-35 Capital Express Central Project - Draft EIS Notice of Availability and Virtual Public Hearing with In-Person Option – Section 106 Consulting Parties

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Sonya,

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David

David Keene  
President, digiDaybook  
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[@digiDaybook](https://twitter.com/digiDaybook)

512-922-8413



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78741

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- EMAIL: [capexcentral@txdot.gov](mailto:capexcentral@txdot.gov)
- VERBAL COMMENT BY VOICEMAIL: (512) 651-2948
- MAIL: I-35 Capital Express Central Project Team, 1608 W. 6th Street, Austin, TX 78703
- ONLINE: [My35CapEx.com](http://My35CapEx.com) or [TxDOT.gov](http://TxDOT.gov)

Comments received between 9 a.m. on Thursday, Jan. 5, 2023, and 11:59 p.m. on Tuesday, March 7, 2023, will be included in the official hearing record.

If you need additional information on the project or the hearing, please contact me or the Mobility35 Program Manager, Tommy Abrego, P.E. at (512) 832-7280.

Thanks,  
Sonya

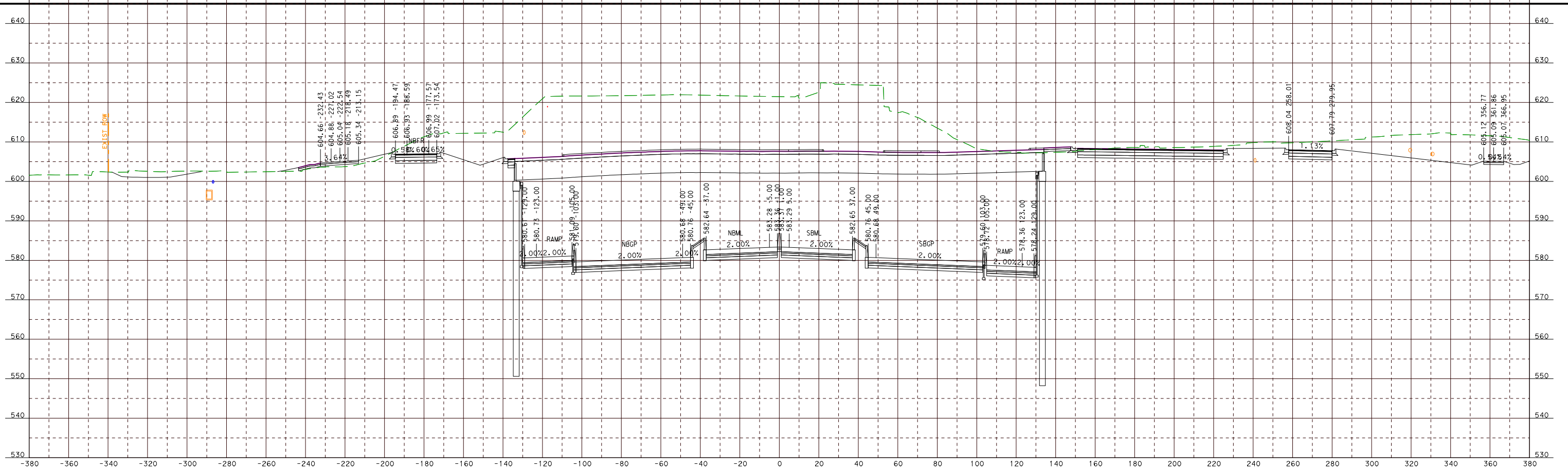
Sonya Y. Hernandez, P.G.  
Environmental Program Manager  
Austin District  
Texas Department of Transportation

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

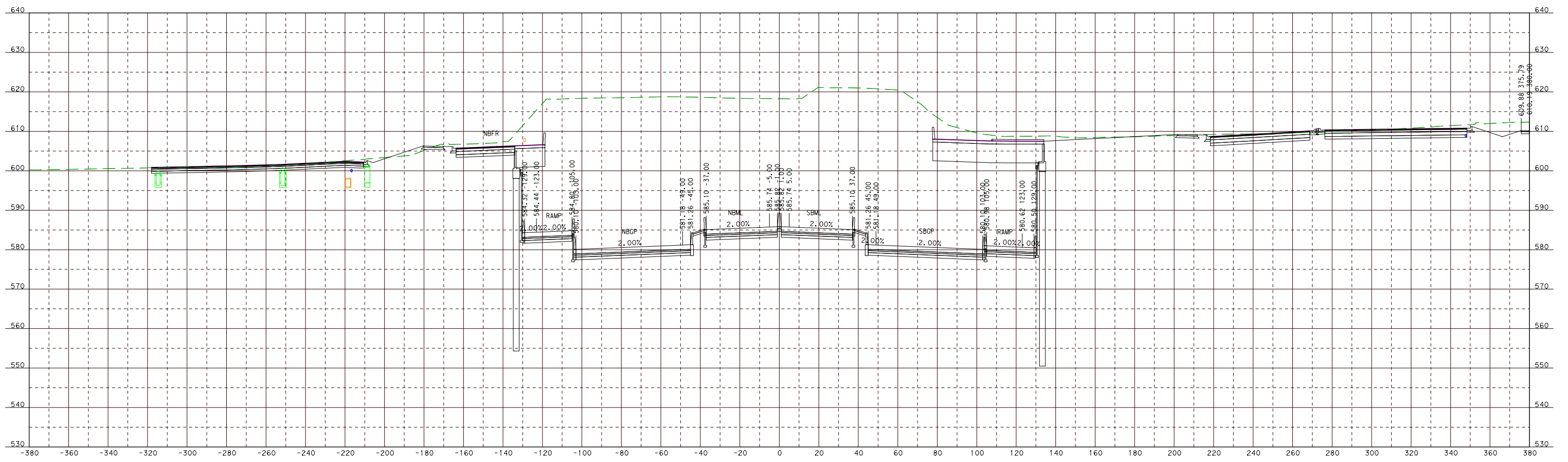
Mobile Phone: 512-649-6478

Office Phone: 512-832-7096



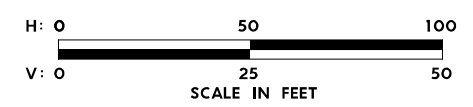


STA 3136+00.00



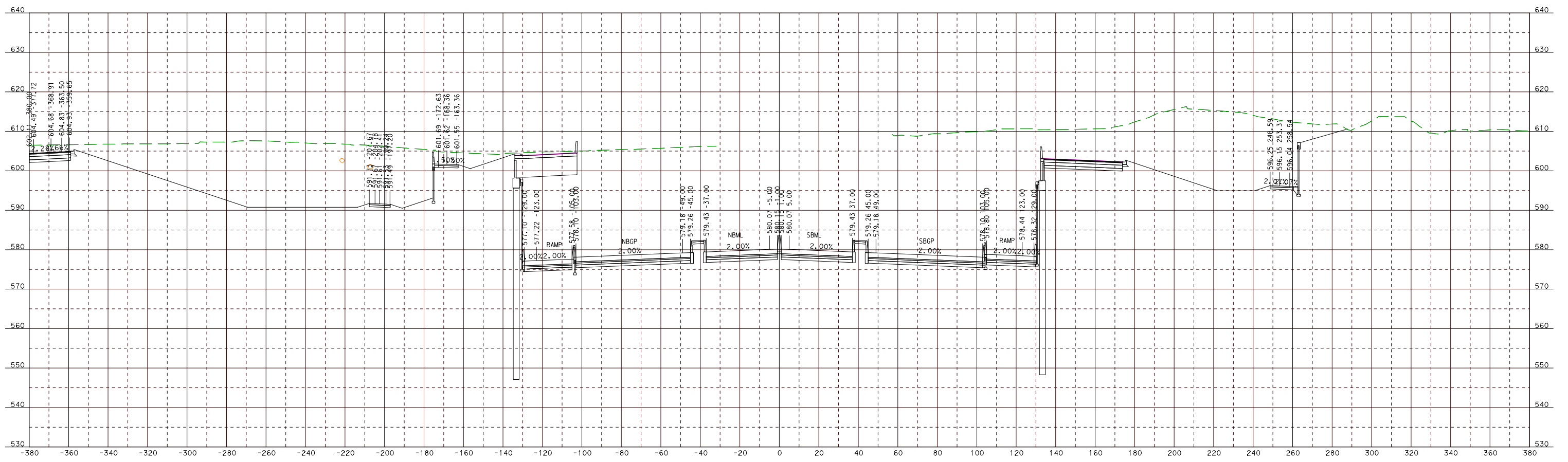
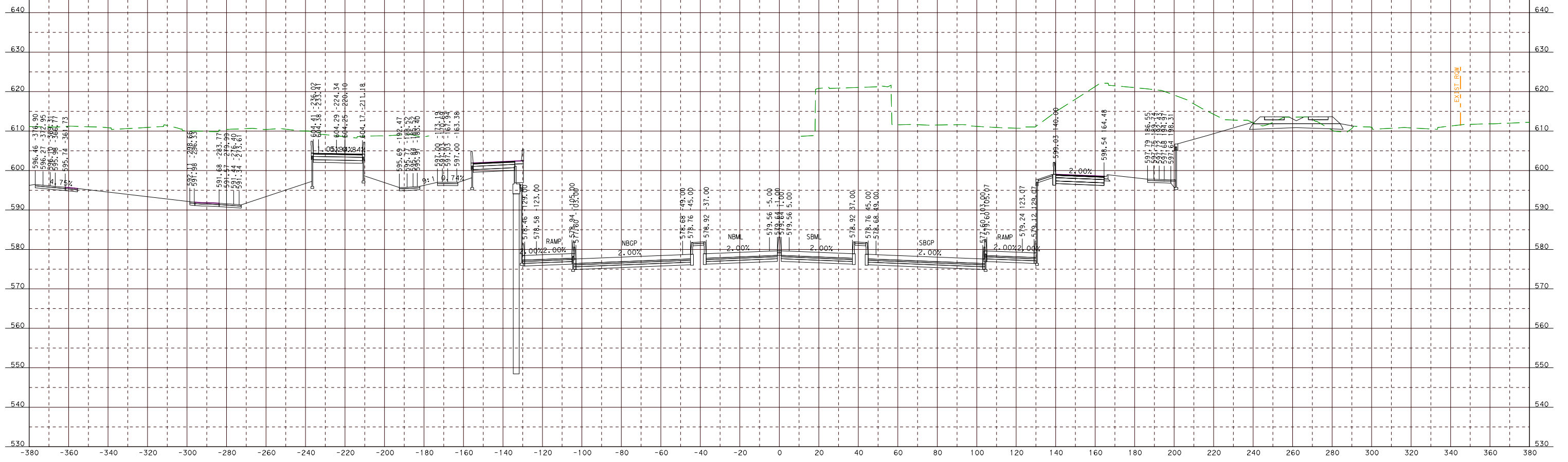
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STA. 3135+00.00 TO STA. 3136+00.00

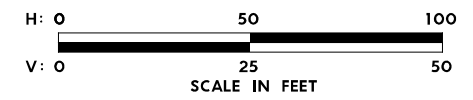


M35 CAPEX CENTRAL  
CROSS SECTIONS



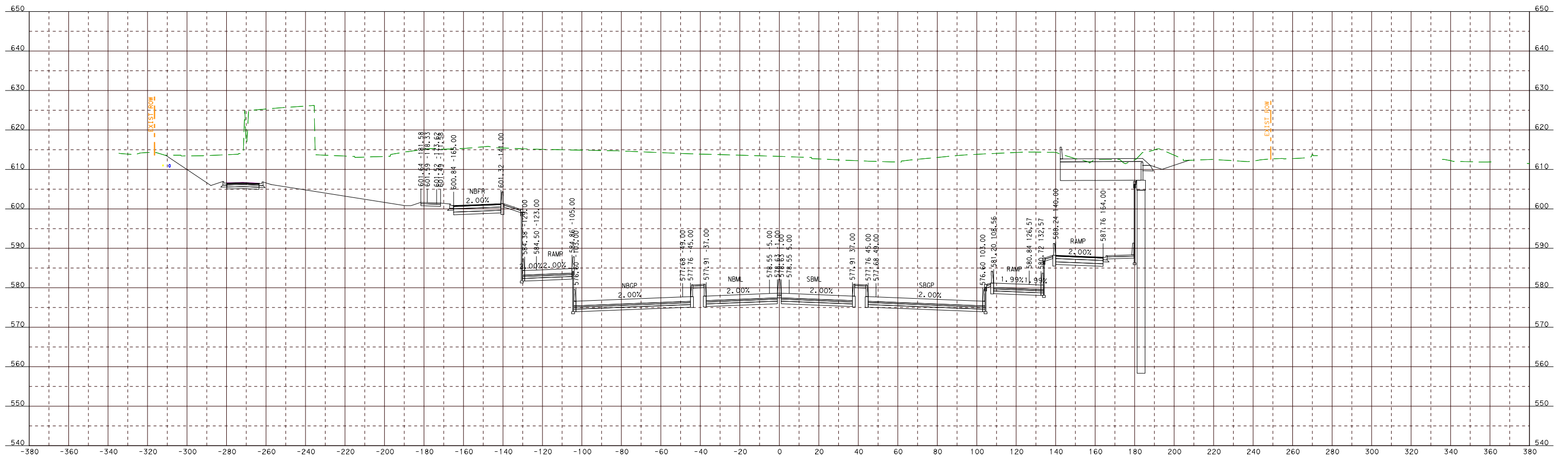


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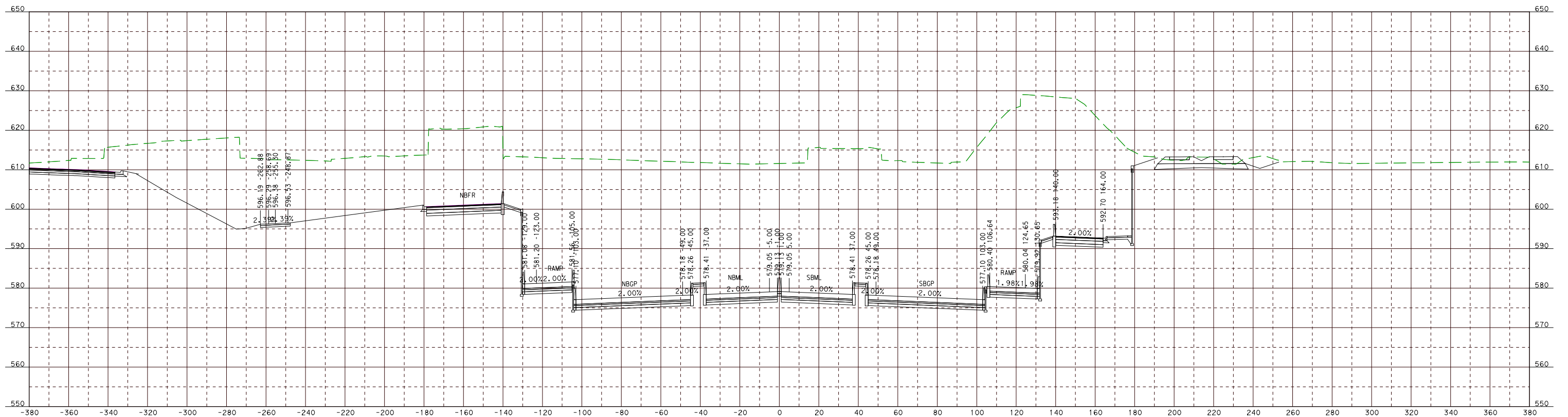


M35 CAPEX CENTRAL  
CROSS SECTIONS



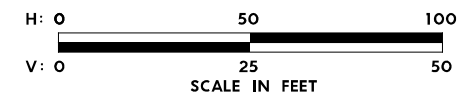


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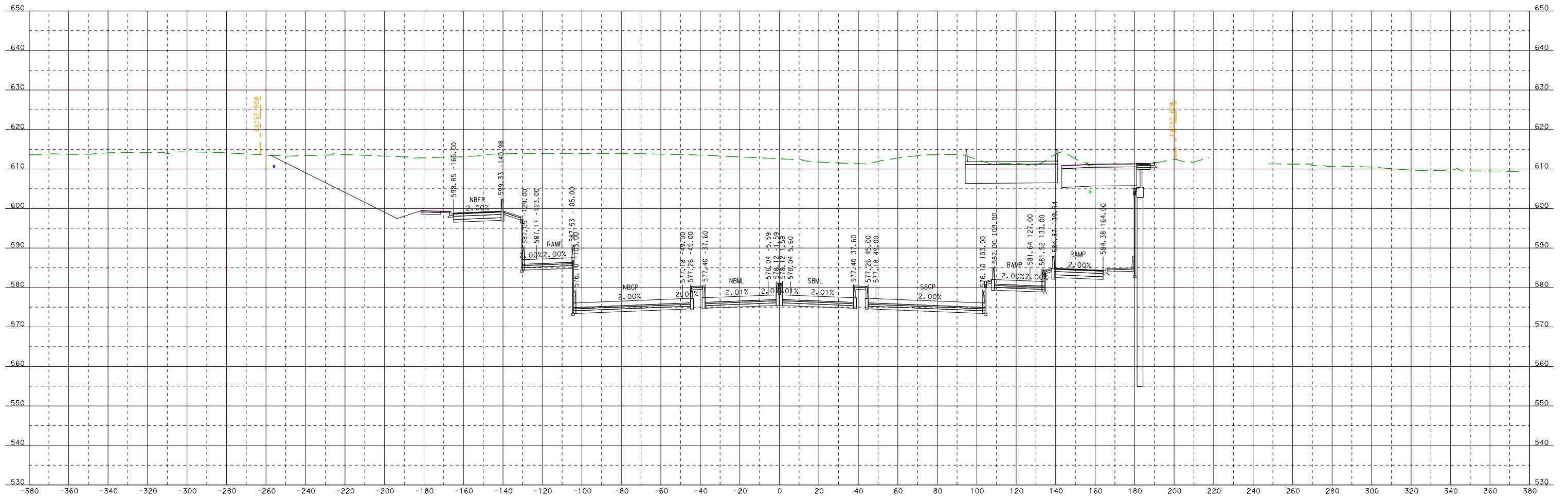


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STA. 3141+00.00 TO STA. 3142+00.00

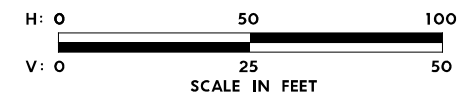


M35 CAPEX CENTRAL  
CROSS SECTIONS

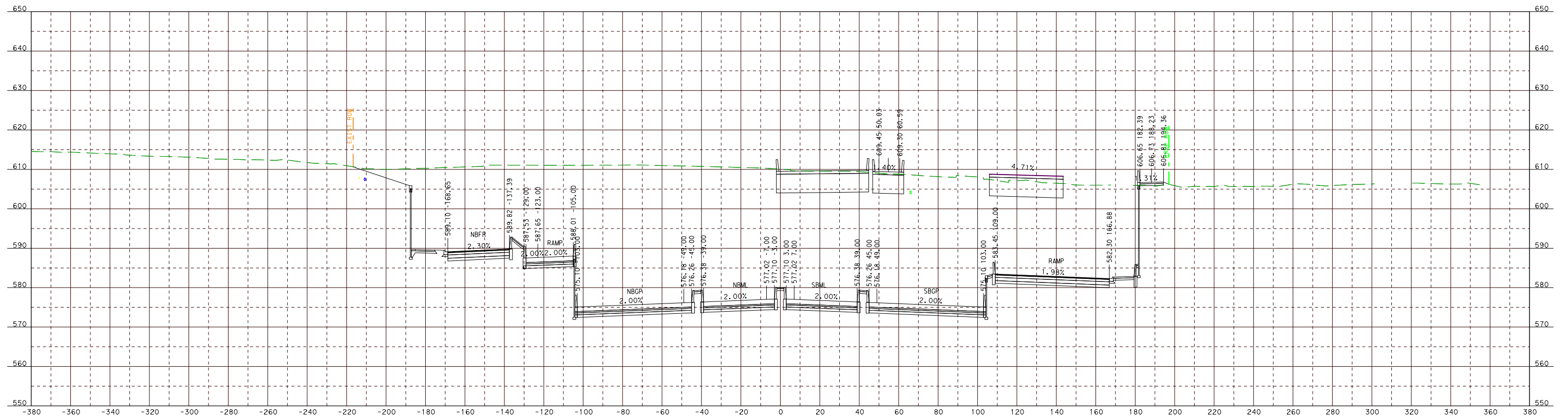


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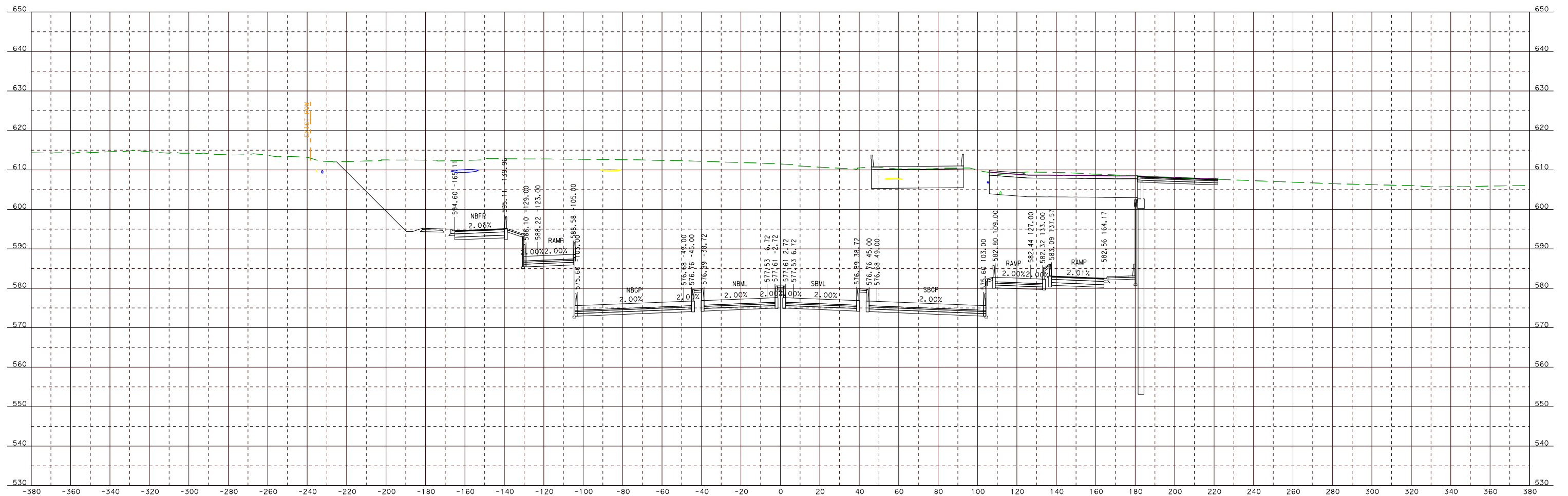
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CROSS SECTIONS

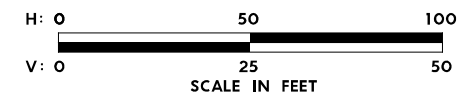


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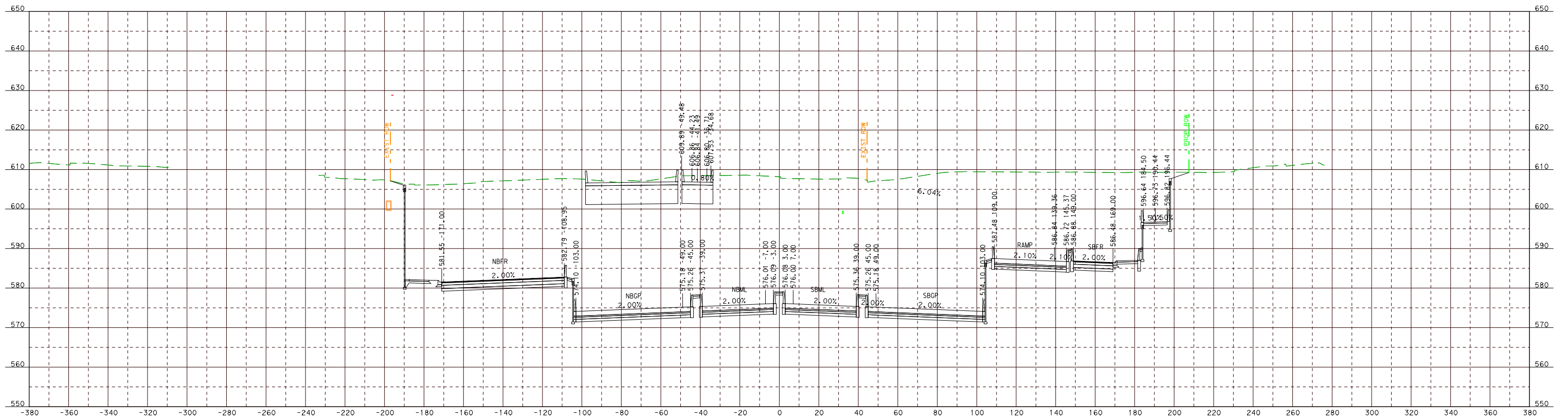


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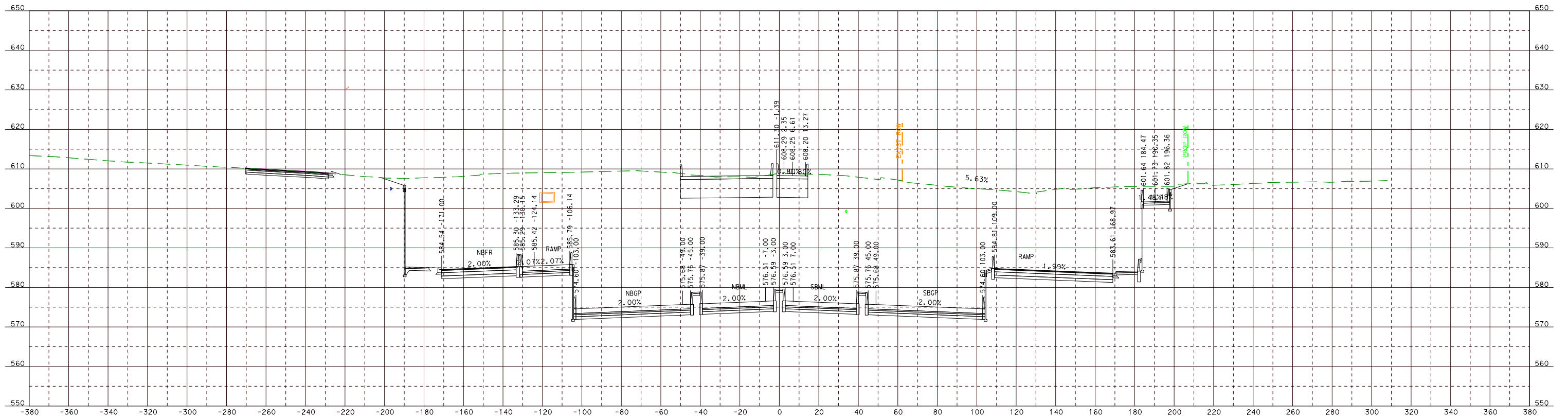
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CROSS SECTIONS

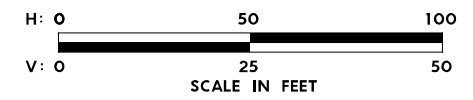


STA 3147+00.00

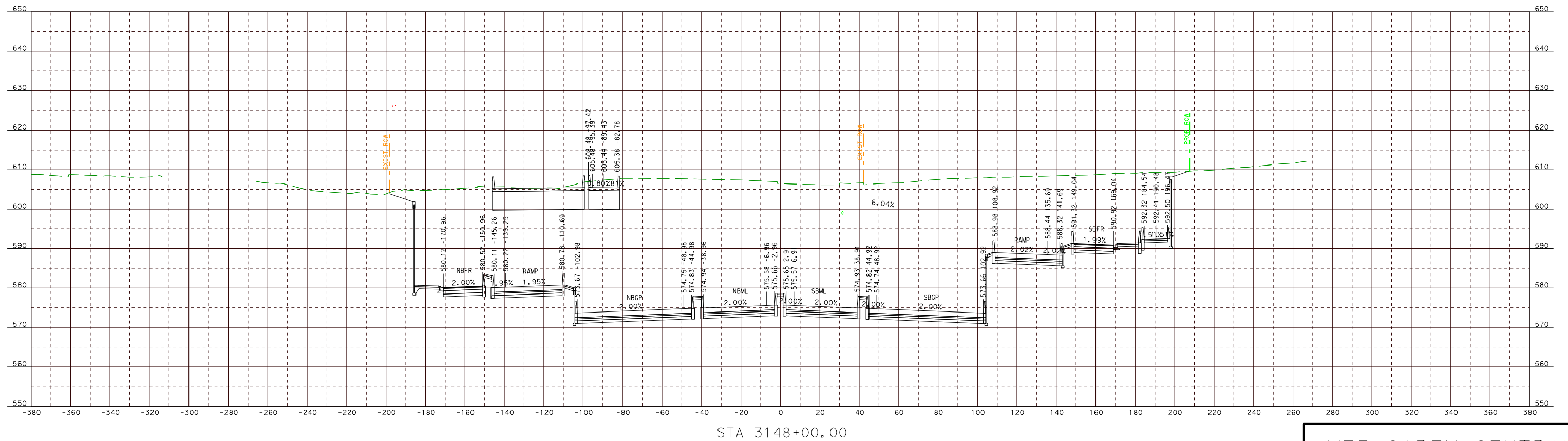
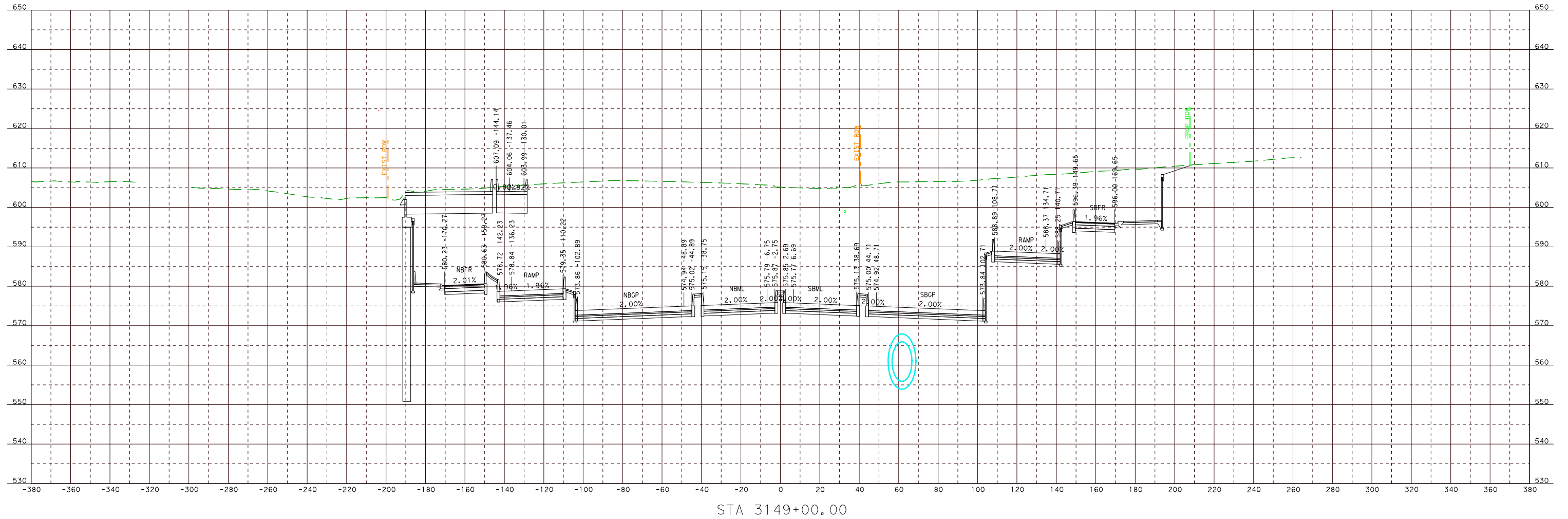


STA 3146+00.00

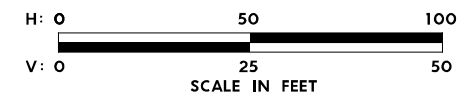
STA. 3146+00.00 TO STA. 3147+00.00



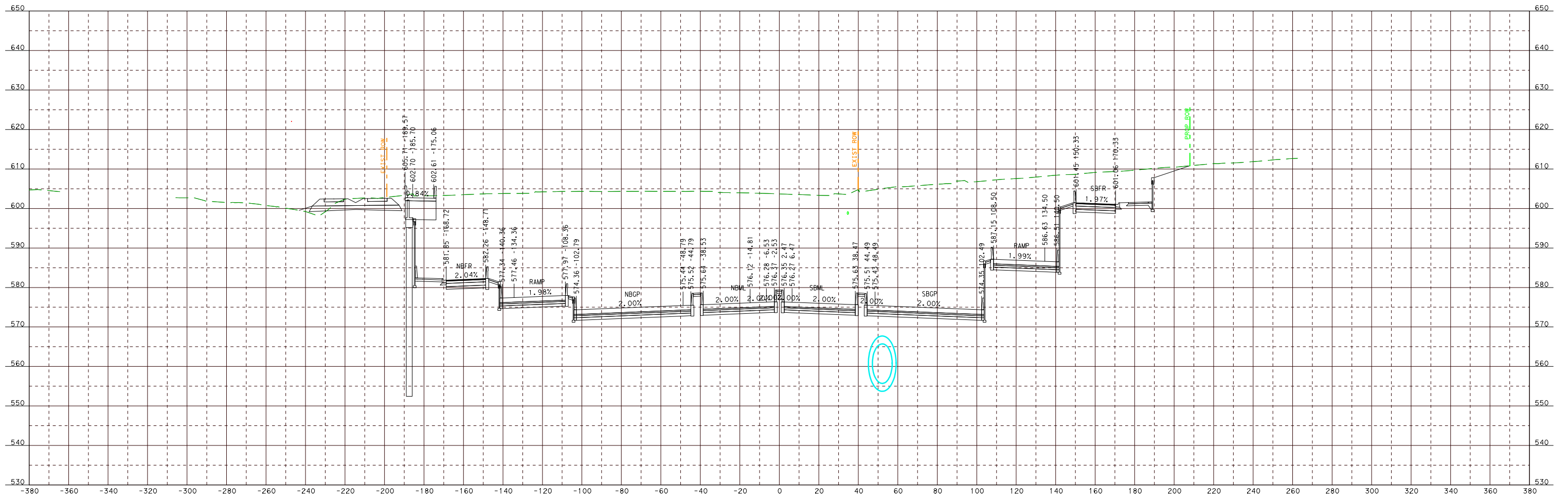
M35 CAPEX CENTRAL  
CROSS SECTIONS



STA. 3148+00.00 TO STA. 3149+00.00

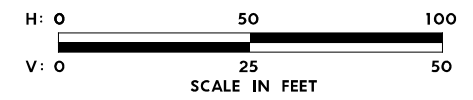


M35 CAPEX CENTRAL  
CROSS SECTIONS

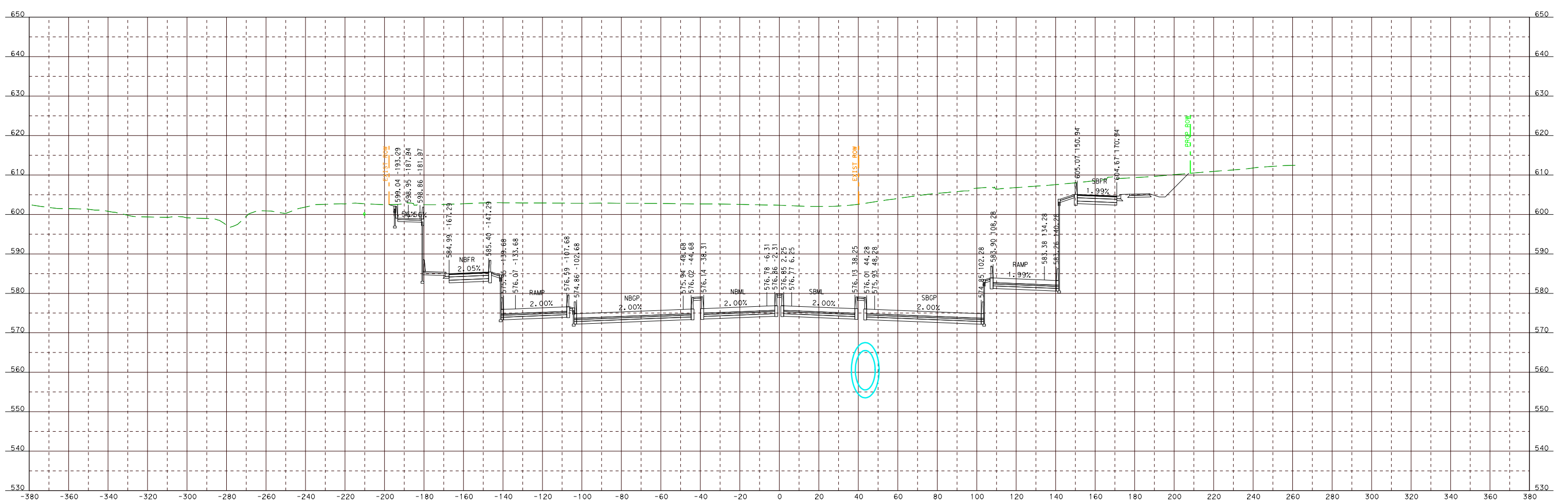
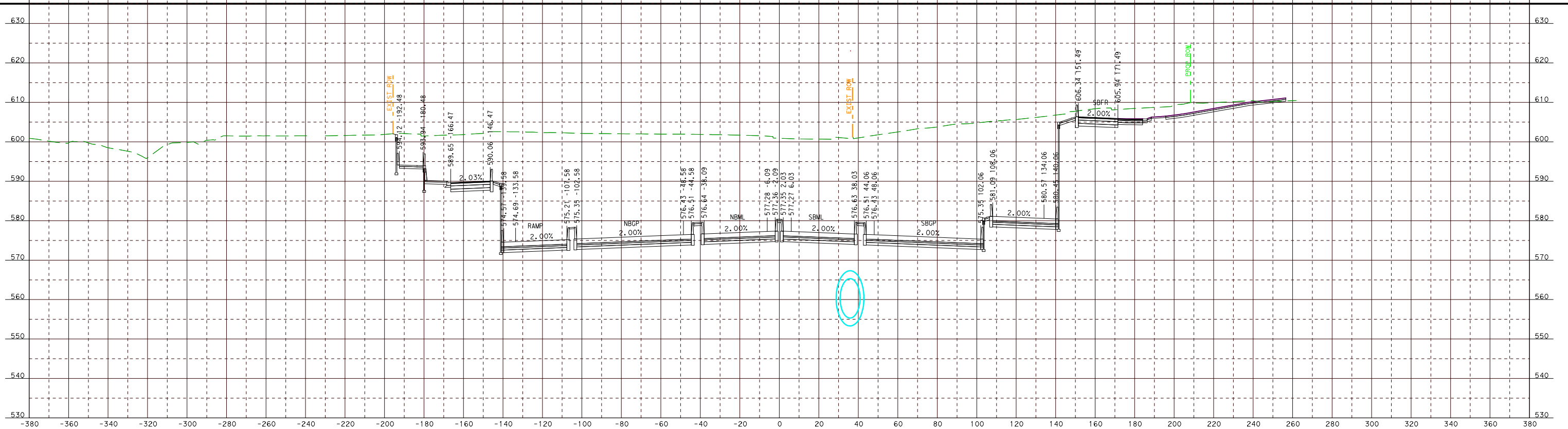


STA 3150+00.00

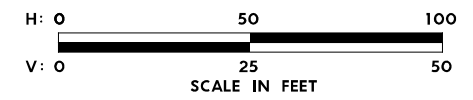
STA. 3150+00.00 TO STA. 3150+00.00



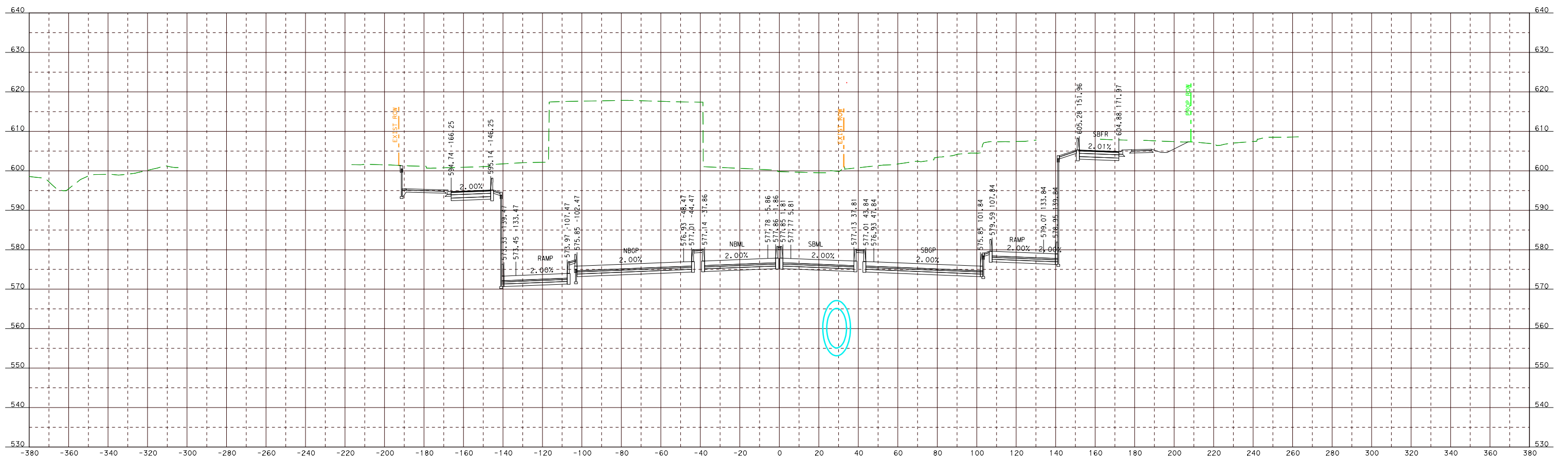
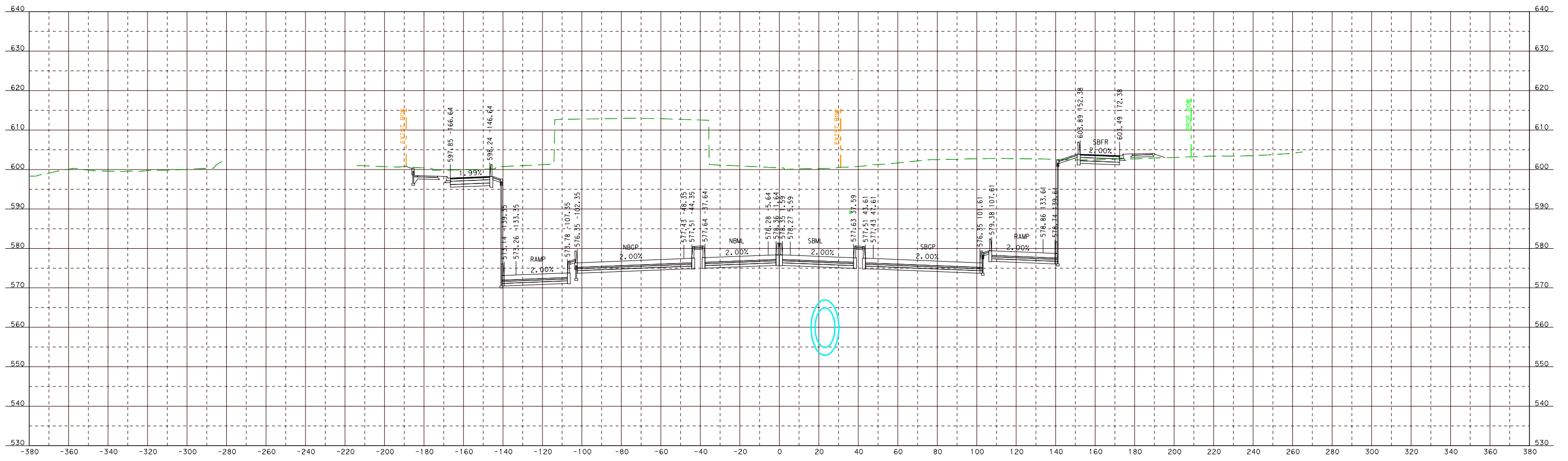
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CROSS SECTIONS



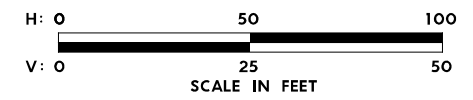
STA. 3151+00.00 TO STA. 3152+00.00



M35 CAPEX CENTRAL  
CROSS SECTIONS

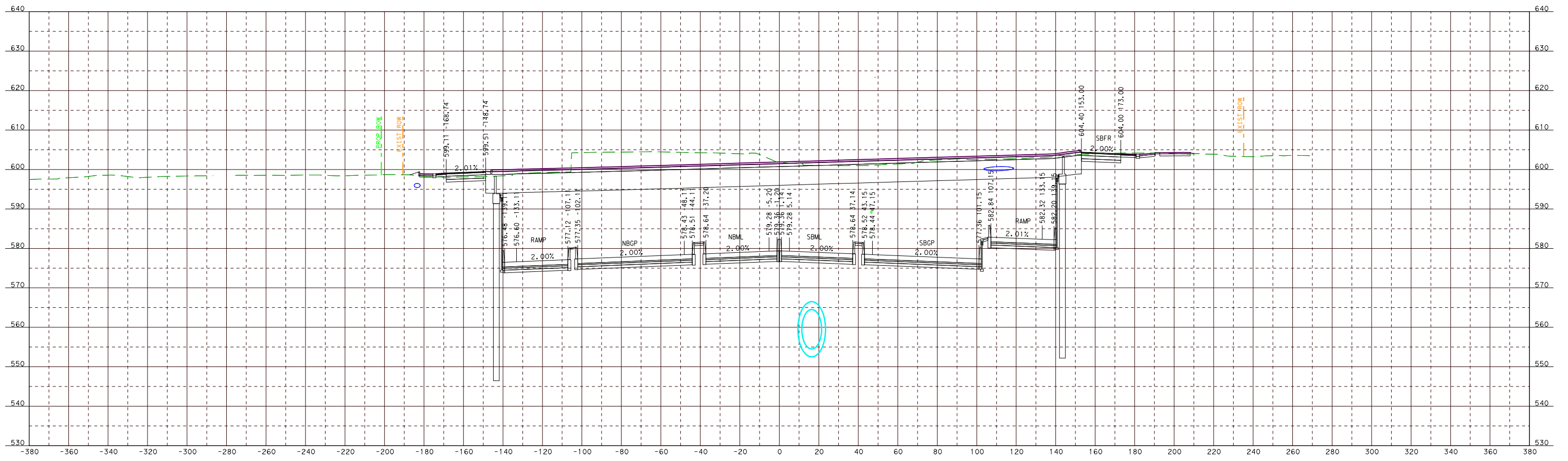


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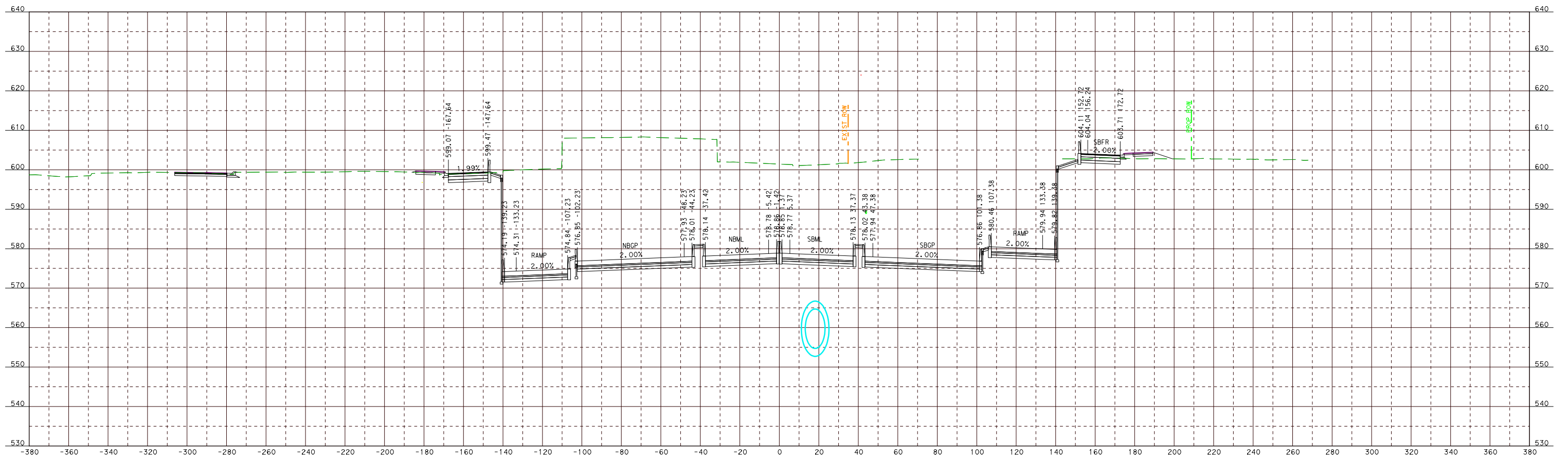


M35 CAPEX CENTRAL  
CROSS SECTIONS



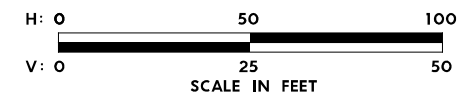


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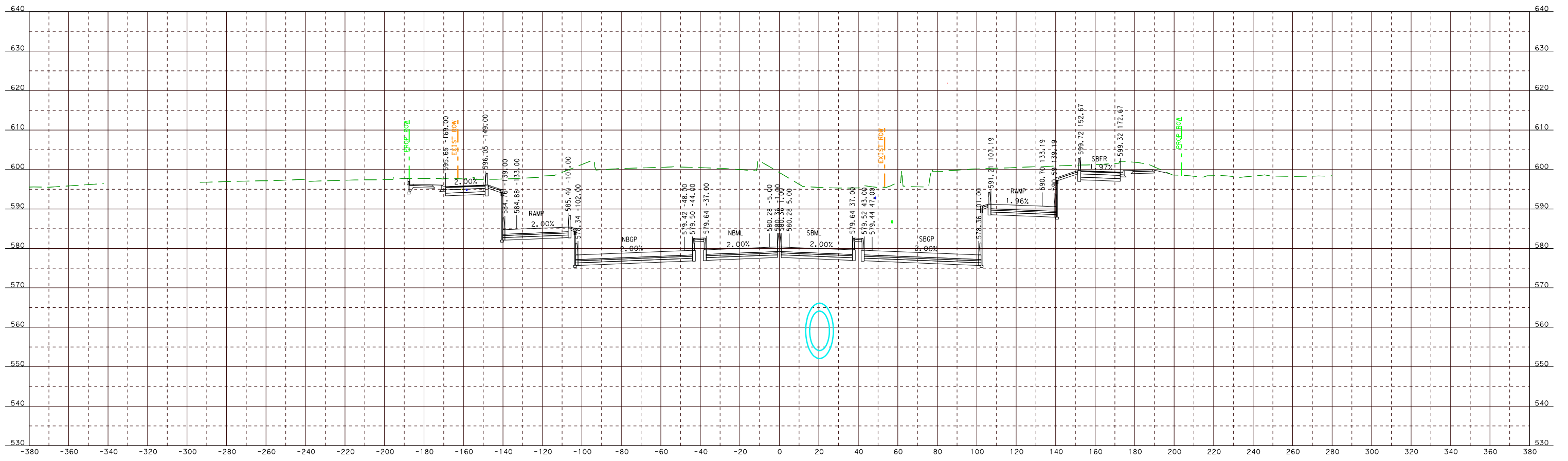


STA 3155+00.00

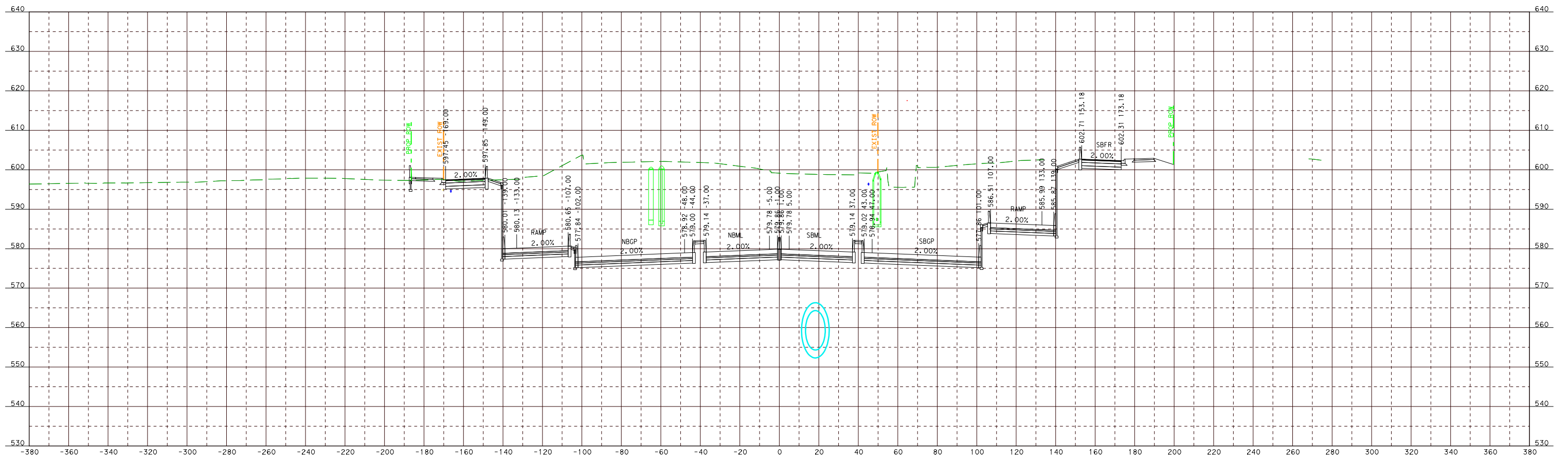
STA. 3155+00.00 TO STA. 3156+00.00



M35 CAPEX CENTRAL  
CROSS SECTIONS

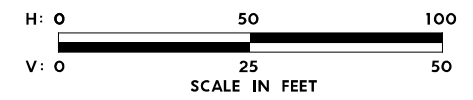


STA 3158+00.00

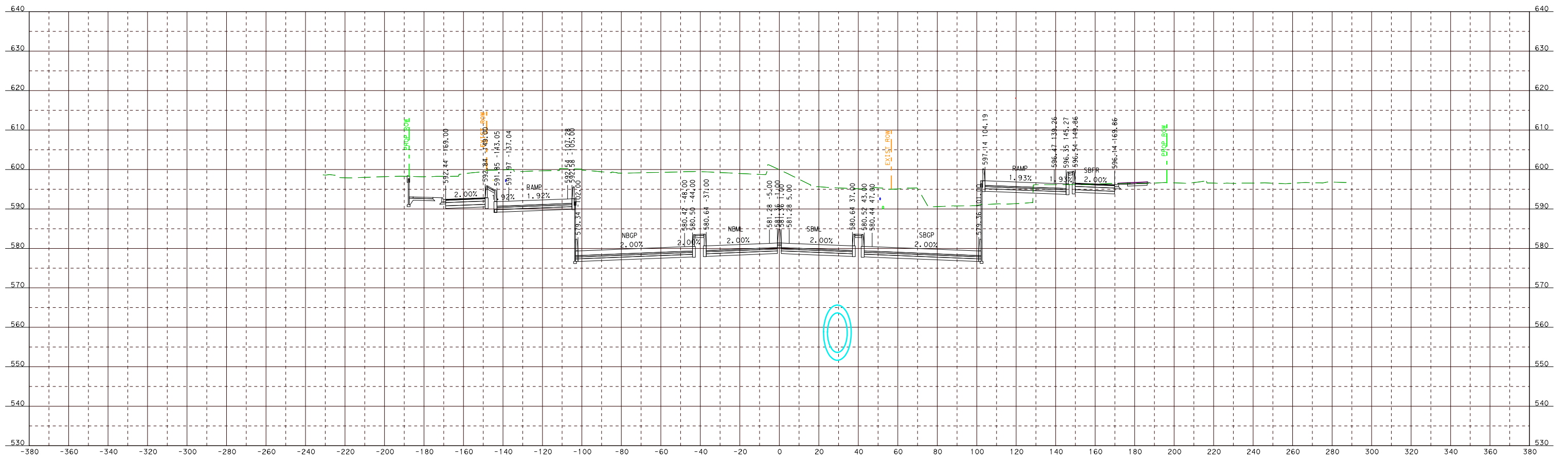


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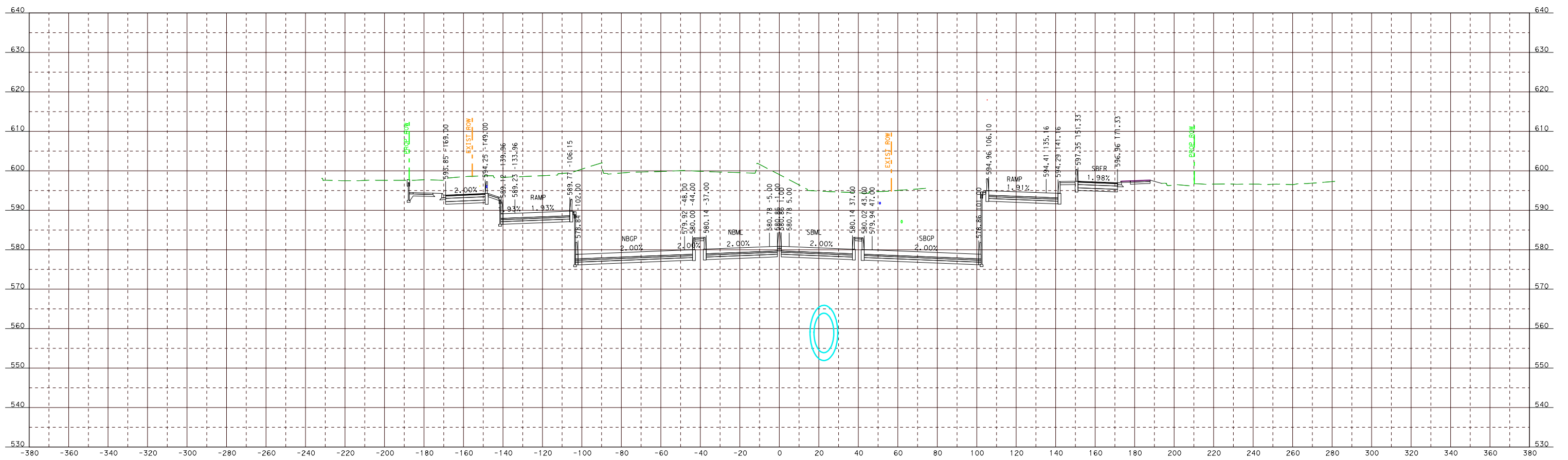
STA. 3157+00.00 TO STA. 3158+00.00



M35 CAPEX CENTRAL  
CROSS SECTIONS

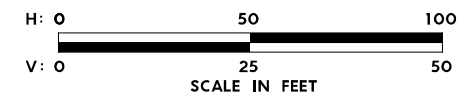


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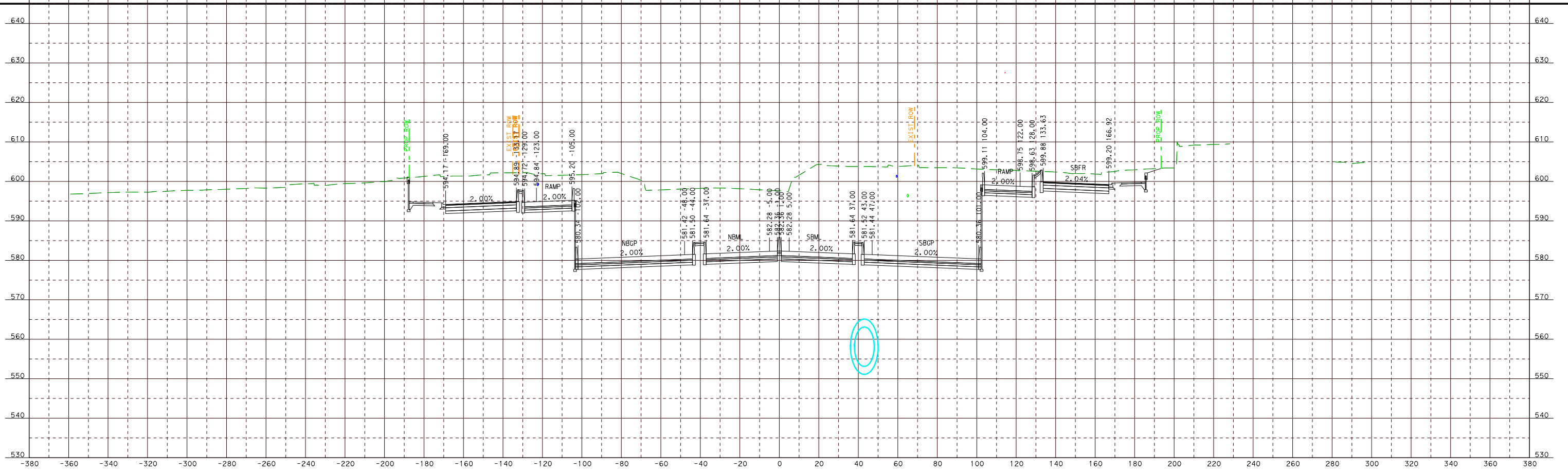


STA 3159+00.00

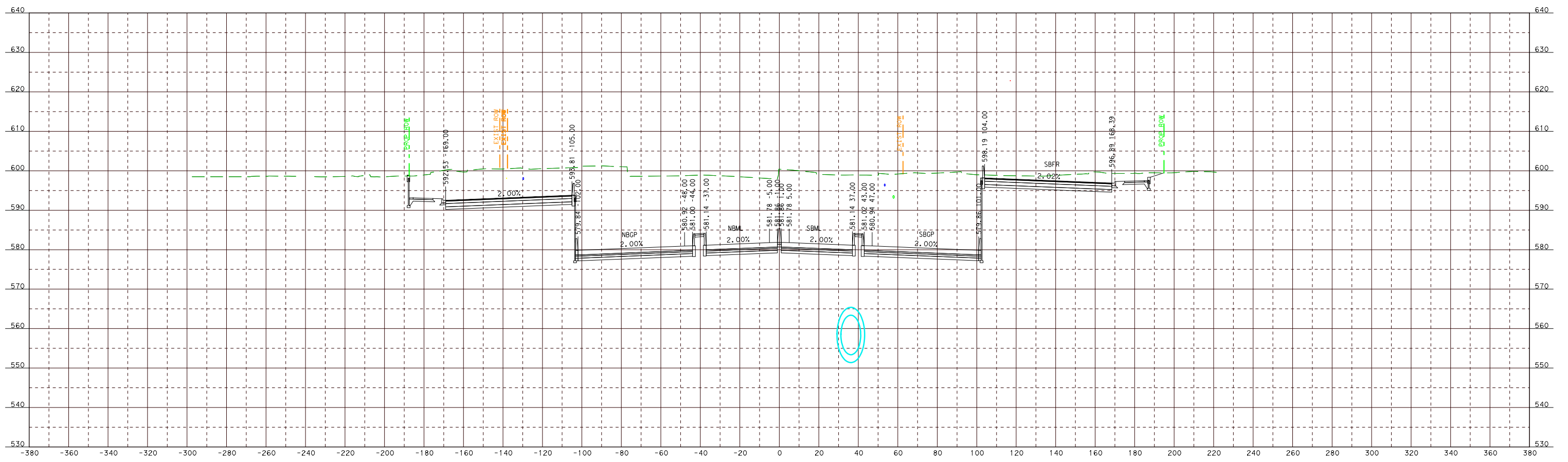
STA. 3159+00.00 TO STA. 3160+00.00



M35 CAPEX CENTRAL  
CROSS SECTIONS

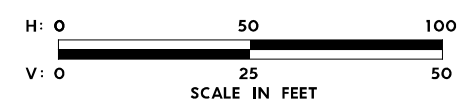


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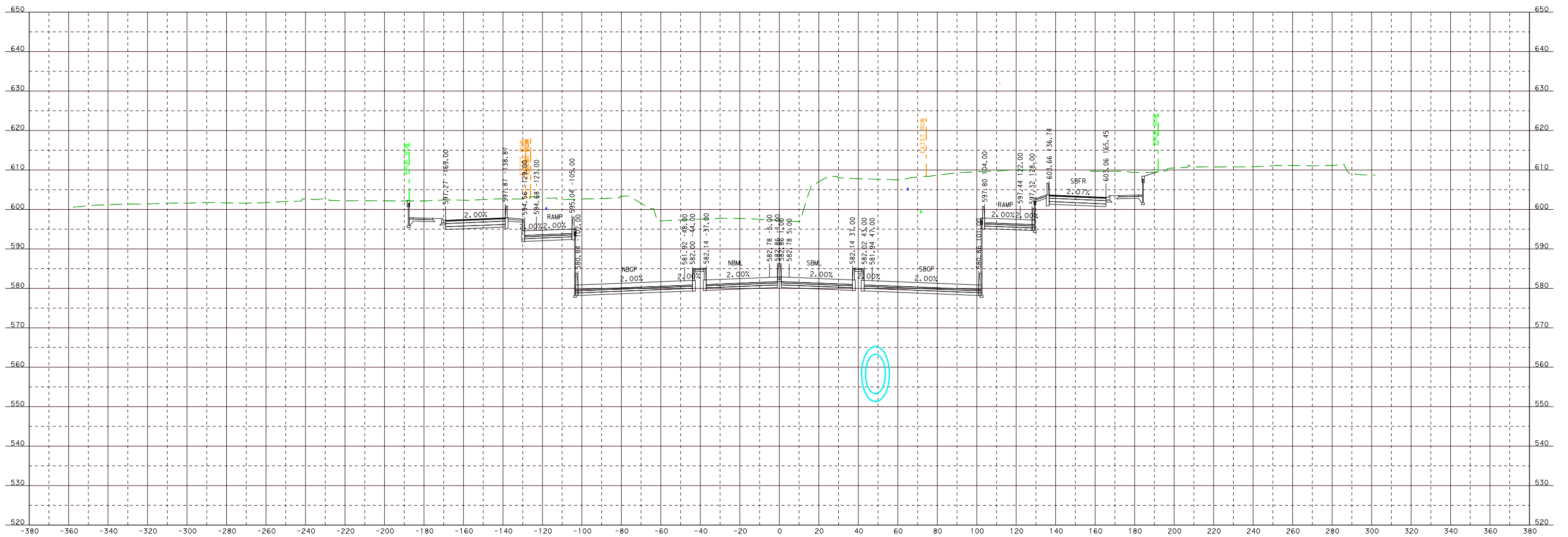


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STA. 3161+00.00 TO STA. 3162+00.00

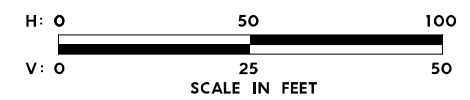


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CROSS SECTIONS

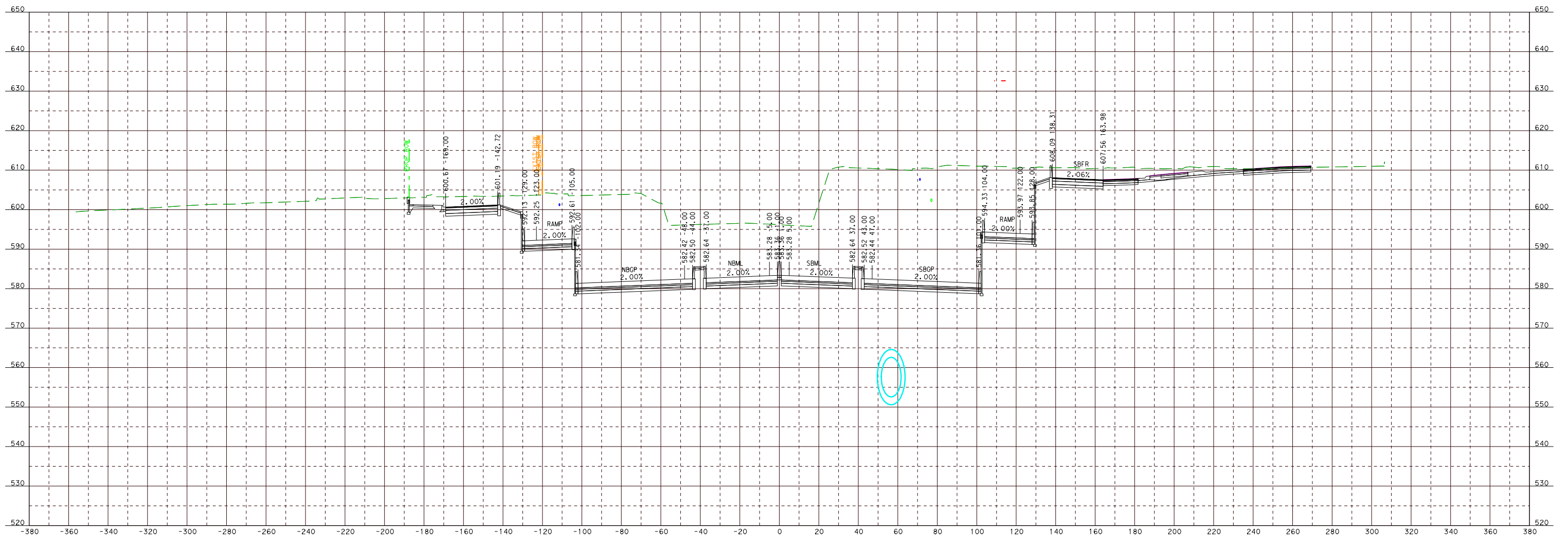


STA 3163+00.00

STA. 3163+00.00 TO STA. 3163+00.00

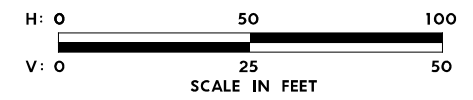


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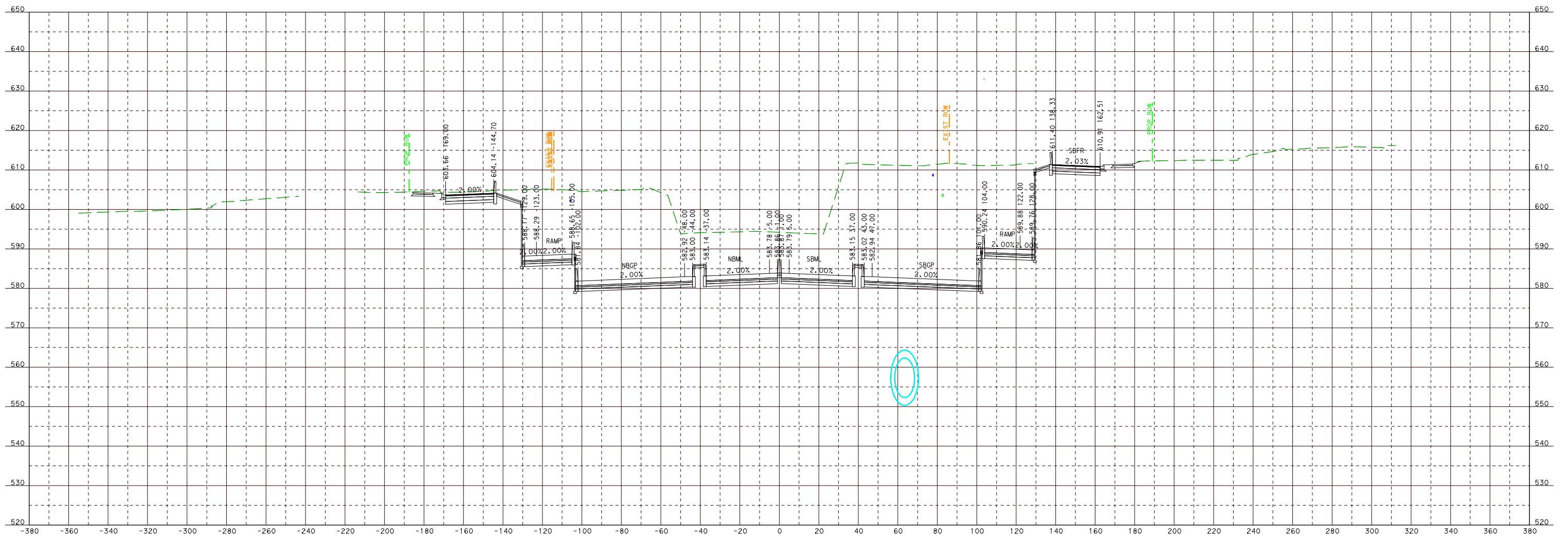


STA 3164+00.00

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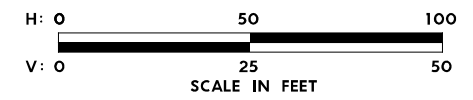


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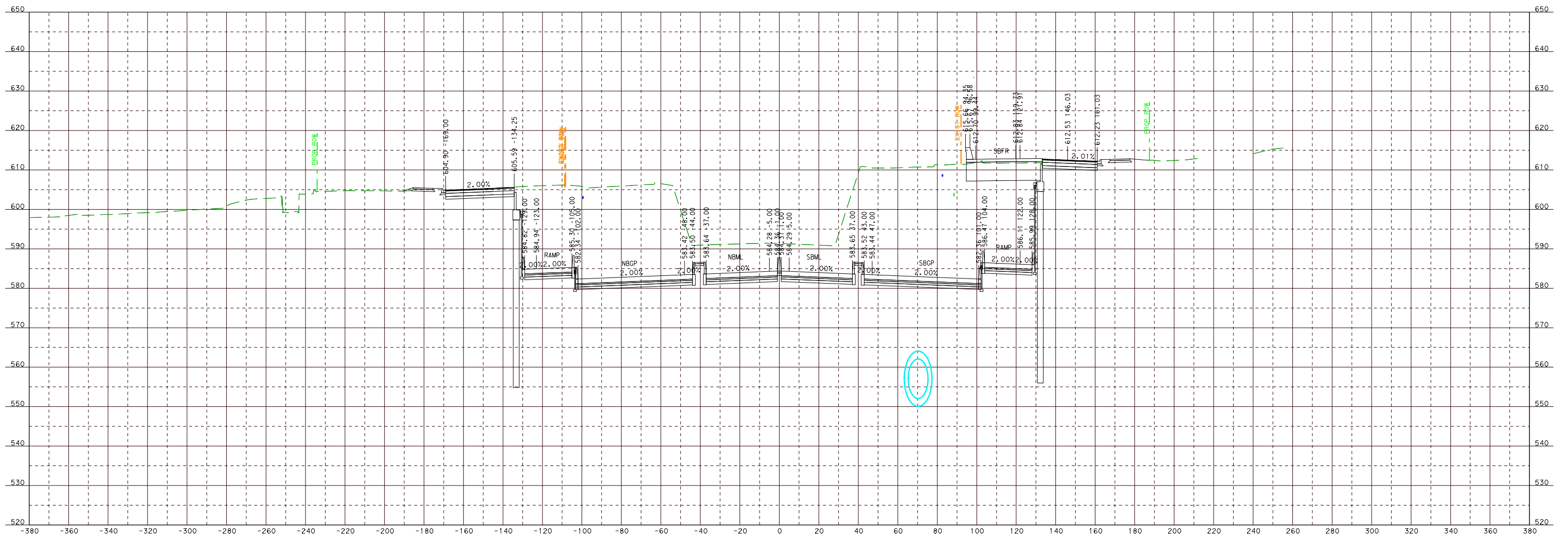


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STA. 3165+00.00 TO STA. 3165+00.00

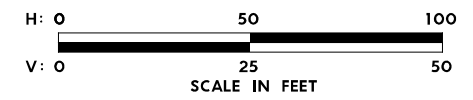


M35 CAPEX CENTRAL  
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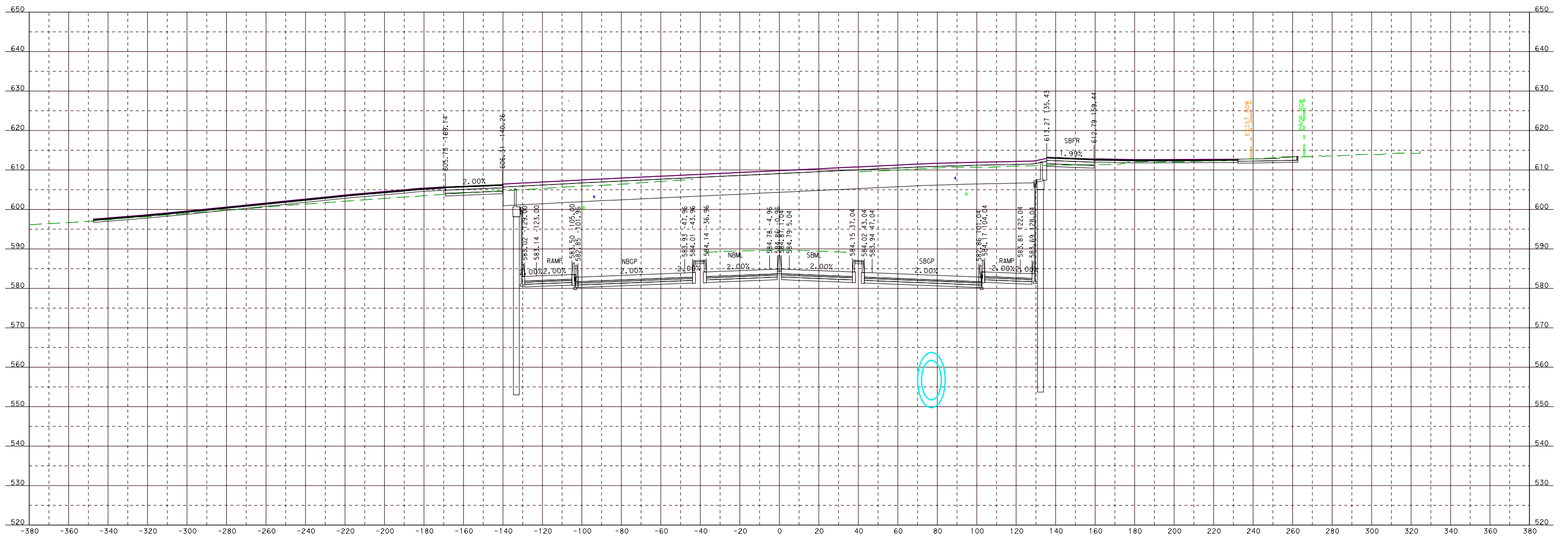
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STA. 3166+00.00 TO STA. 3166+00.00



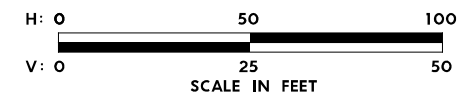
M35 CAPEX CENTRAL  
CROSS SECTIONS



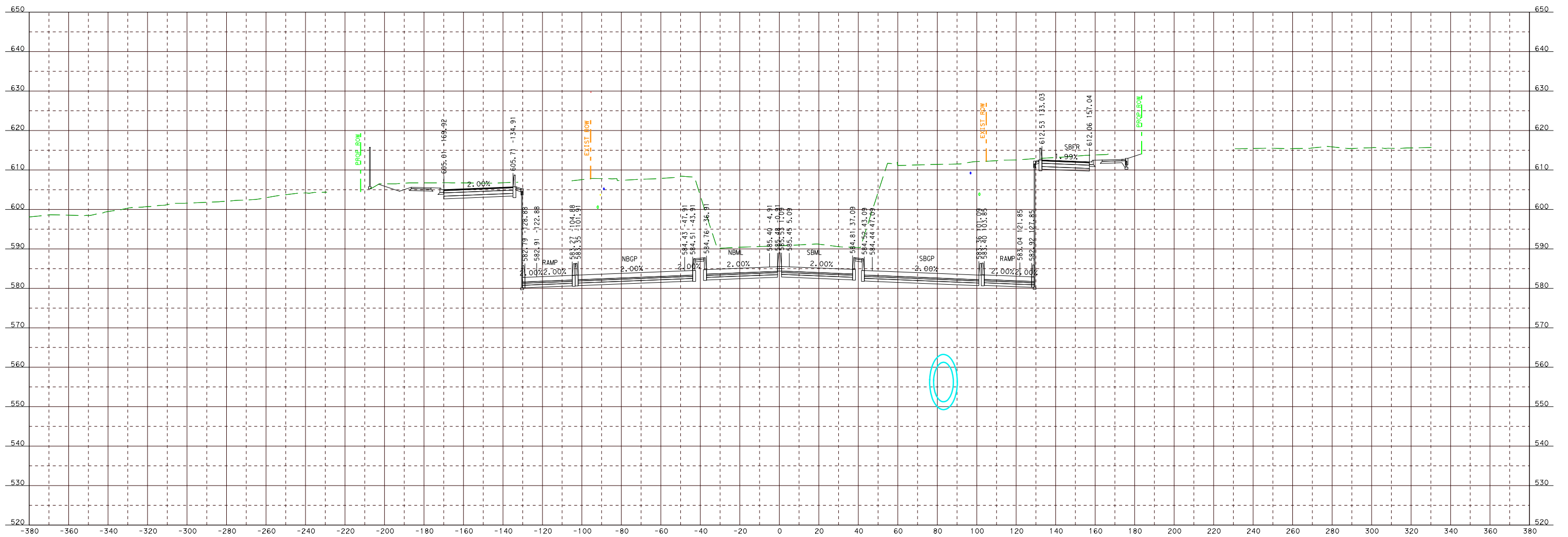


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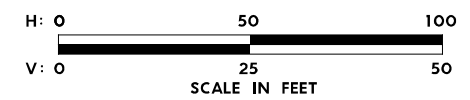


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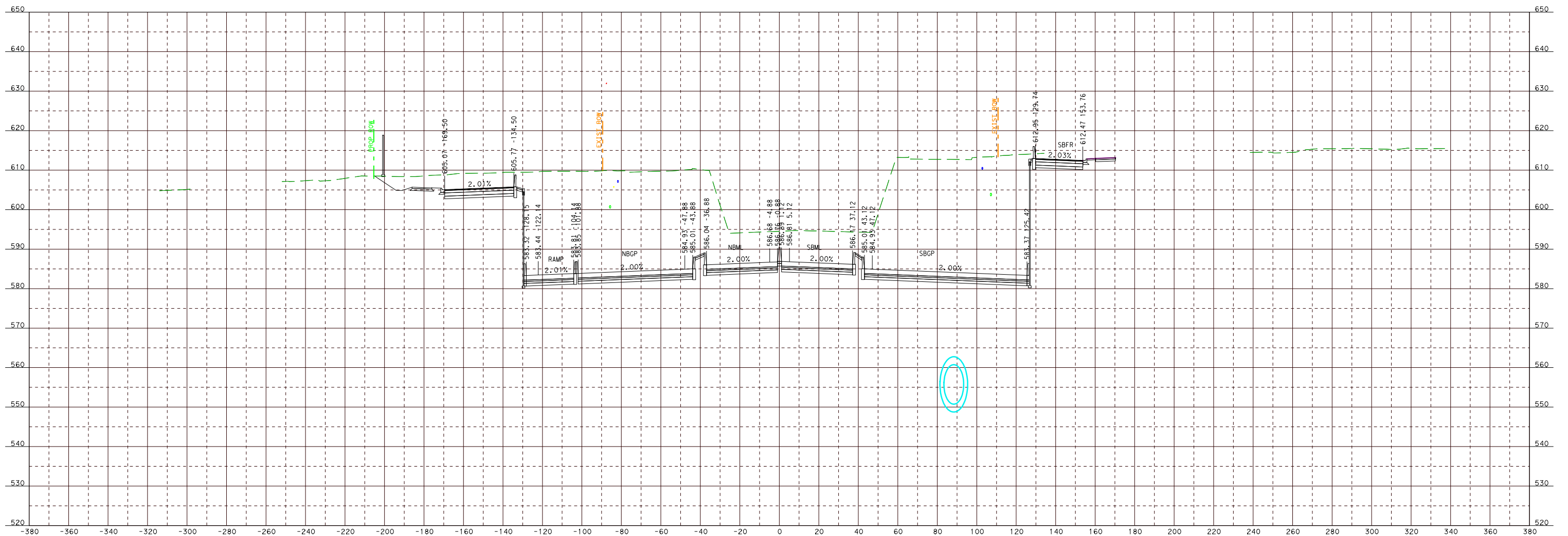


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STA. 3168+00.00 TO STA. 3168+00.00

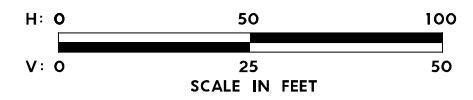


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CROSS SECTIONS

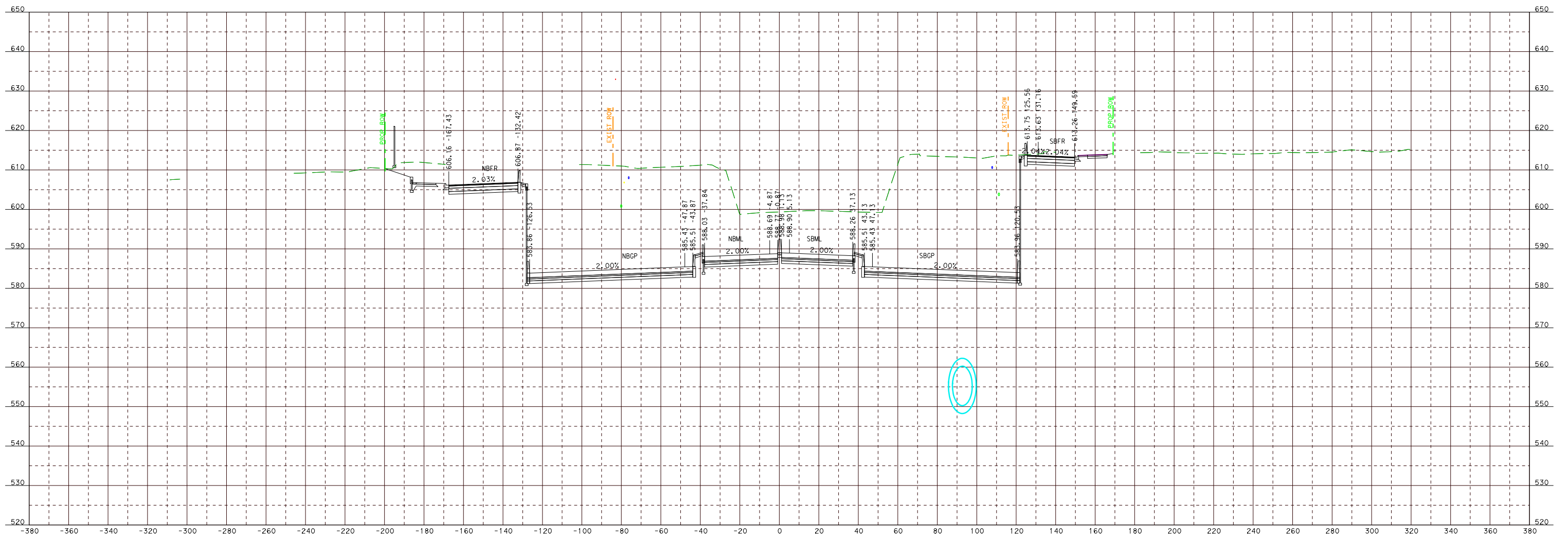


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STA. 3169+00.00 TO STA. 3169+00.00

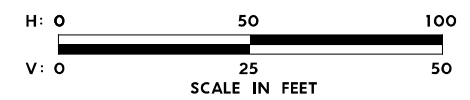


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CROSS SECTIONS

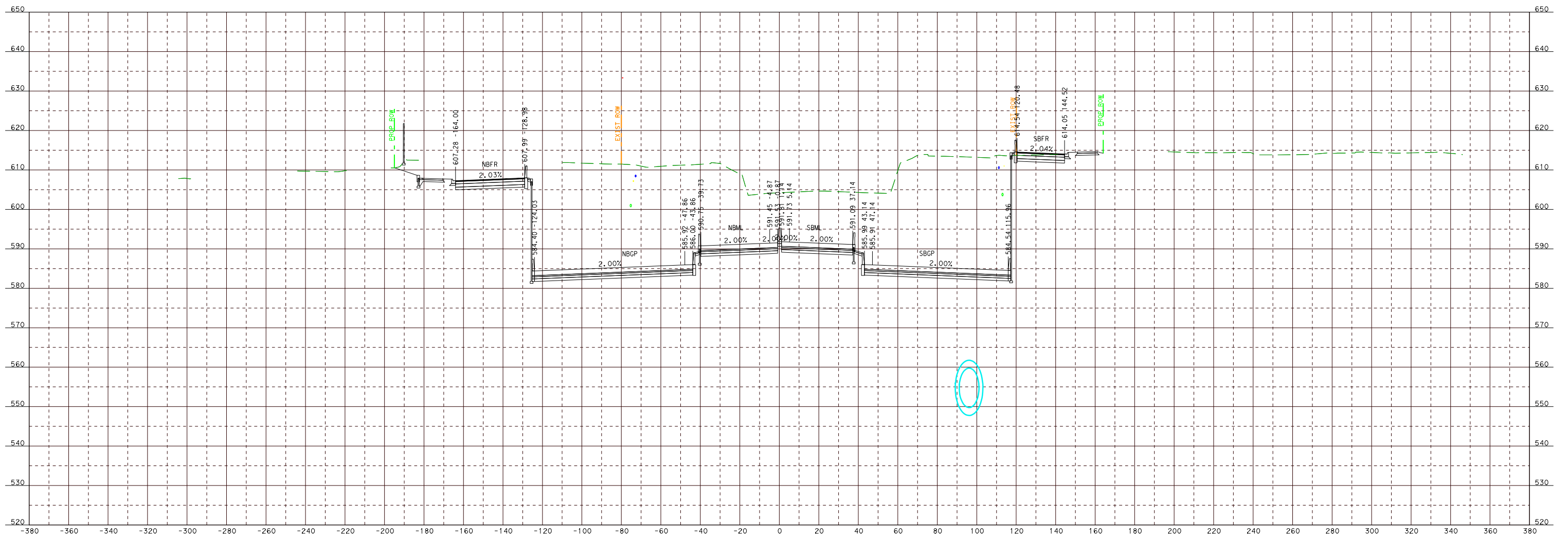


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STA. 3170+00.00 TO STA. 3170+00.00

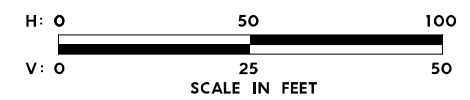


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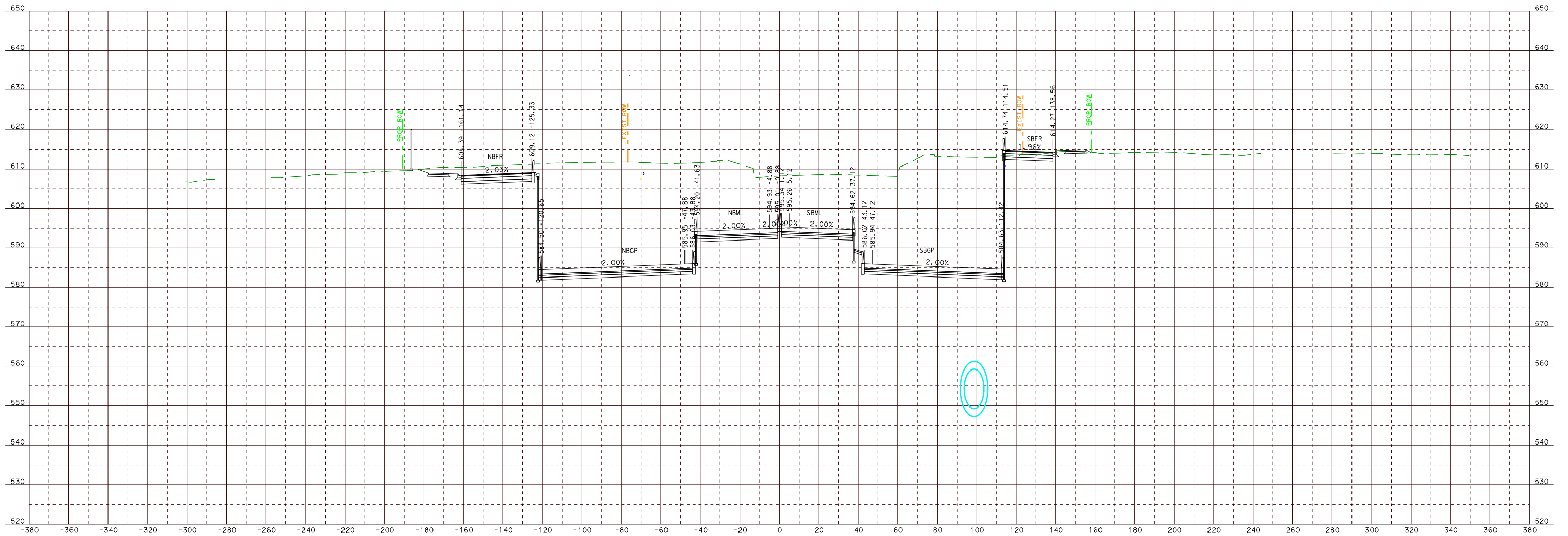


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STA. 3171+00.00 TO STA. 3171+00.00

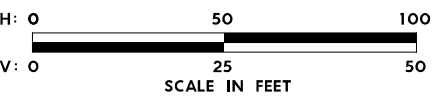


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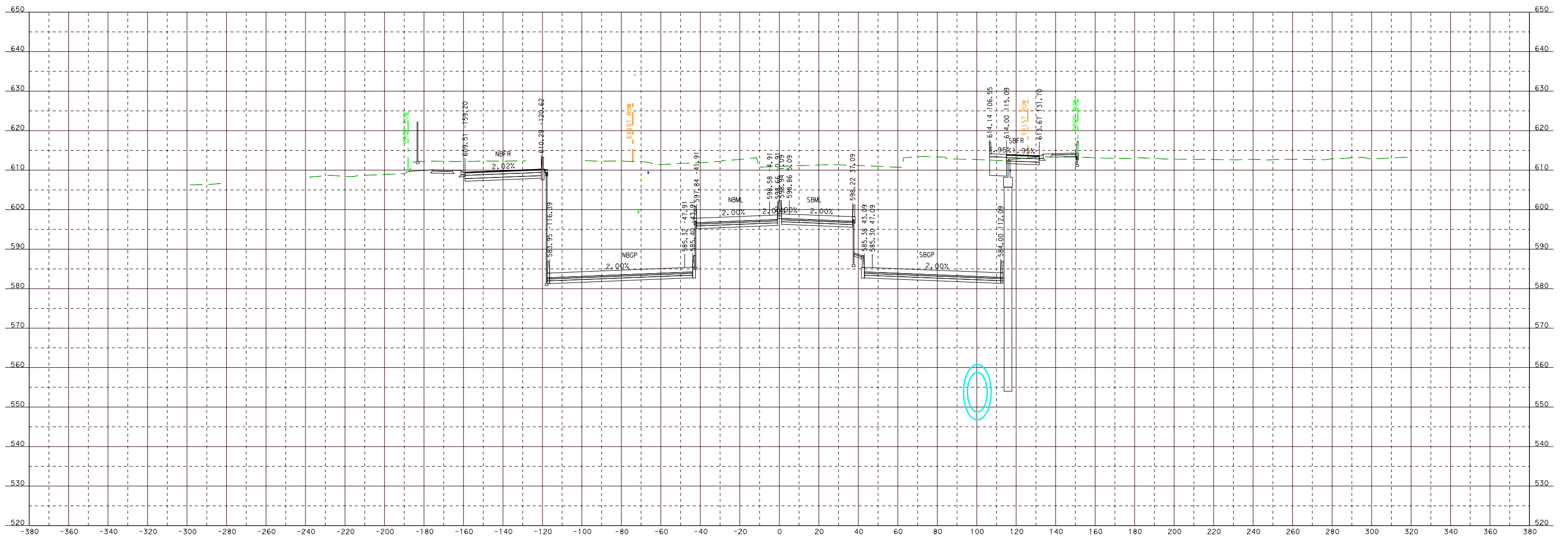


STA 3172+00.00

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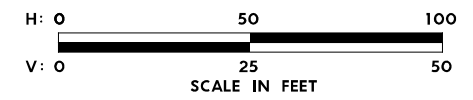


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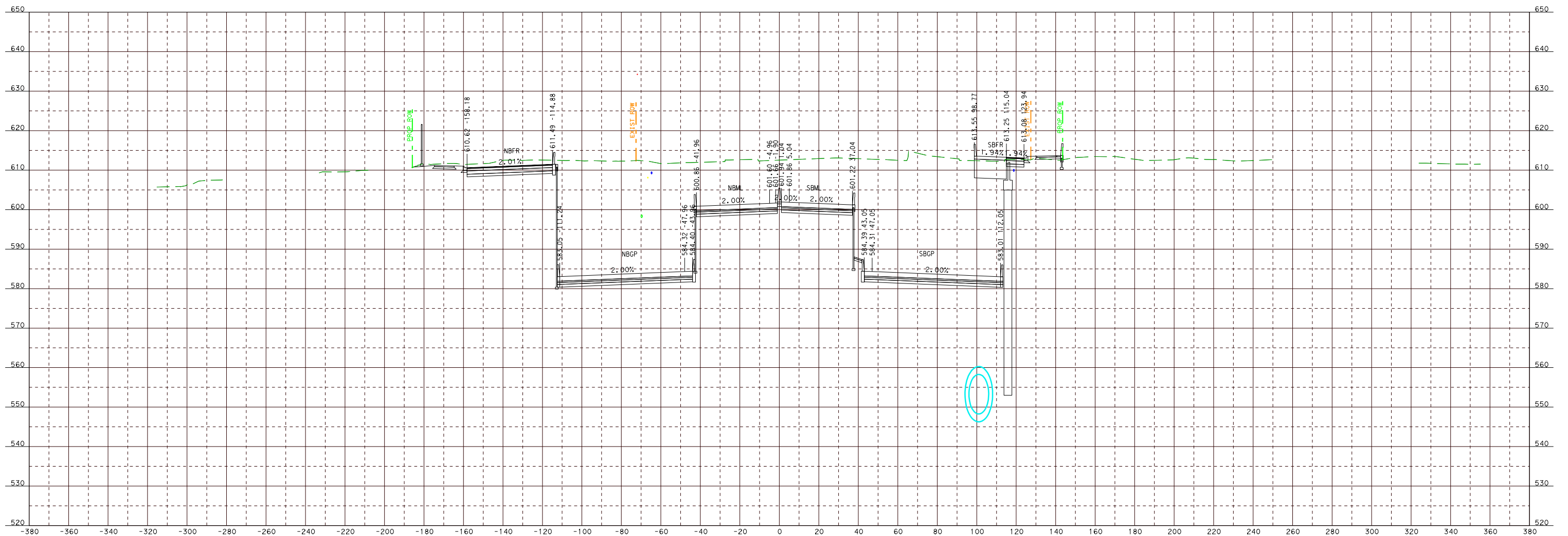


STA 3173+00.00

STA. 3173+00.00 TO STA. 3173+00.00

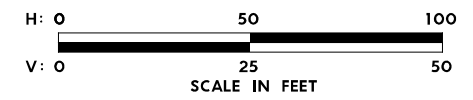


M35 CAPEX CENTRAL  
 CROSS SECTIONS



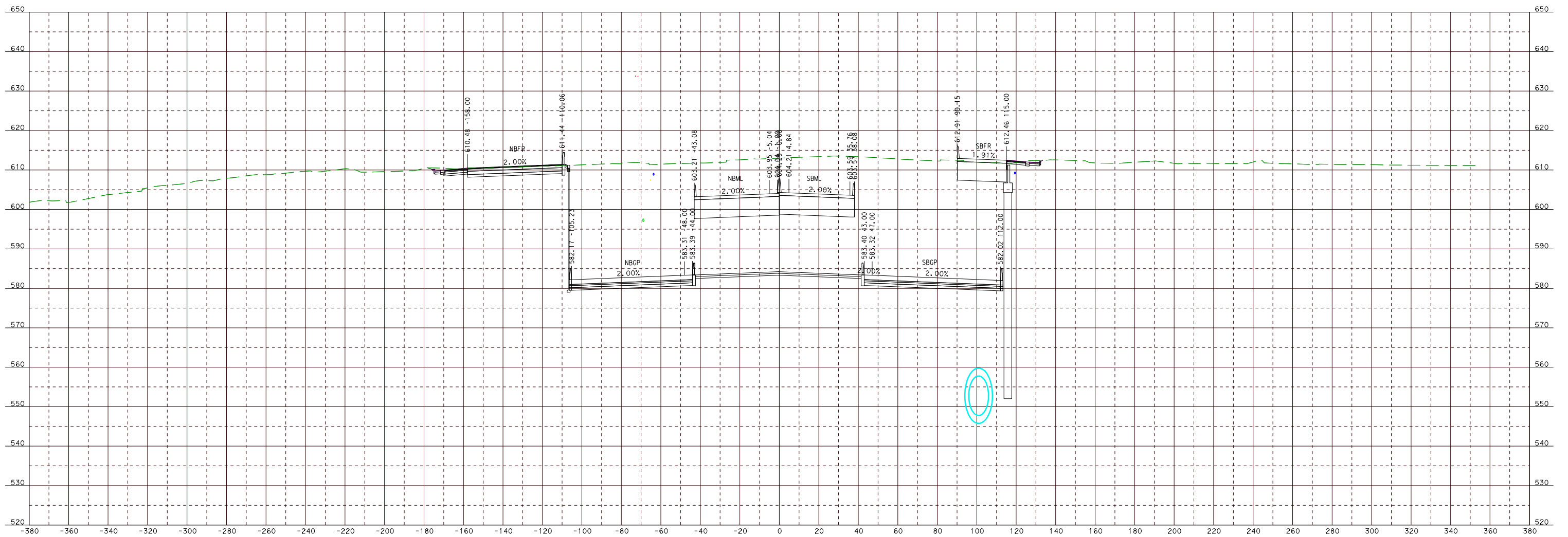
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STA. 3174+00.00 TO STA. 3174+00.00



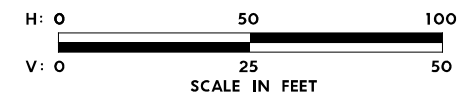
M35 CAPEX CENTRAL  
CROSS SECTIONS



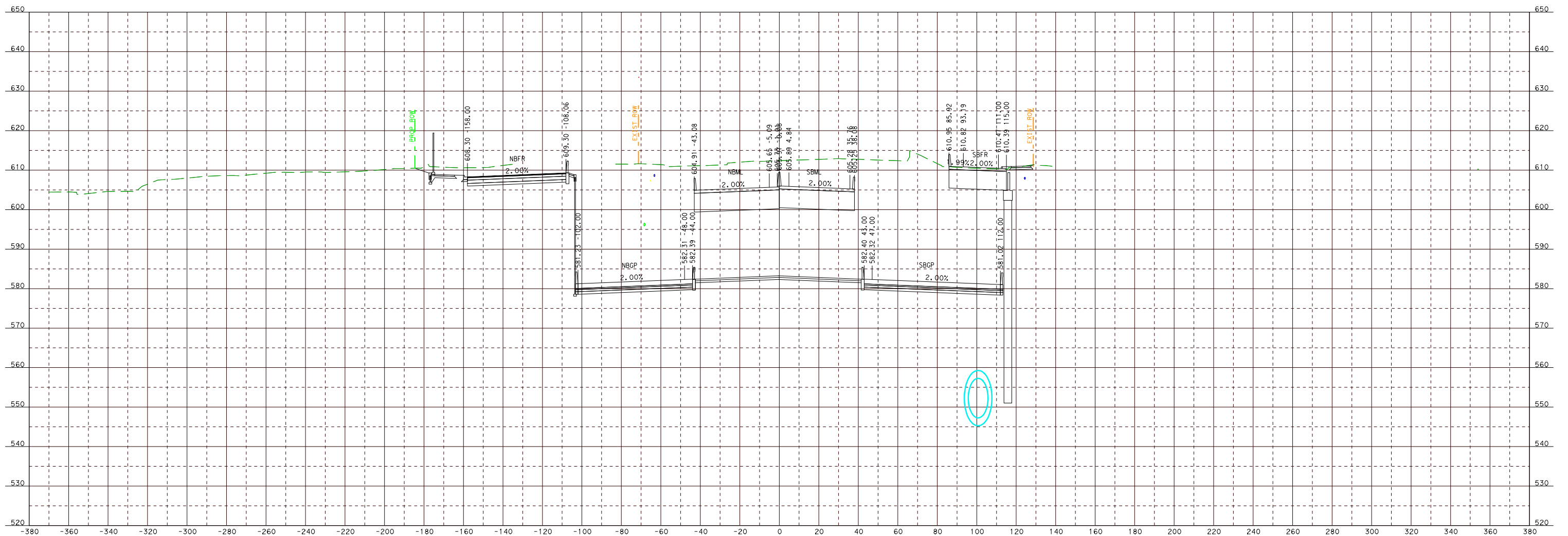


STA 3175+00.00

STA. 3175+00.00 TO STA. 3175+00.00

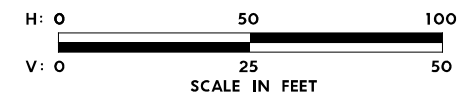


M35 CAPEX CENTRAL  
 CROSS SECTIONS

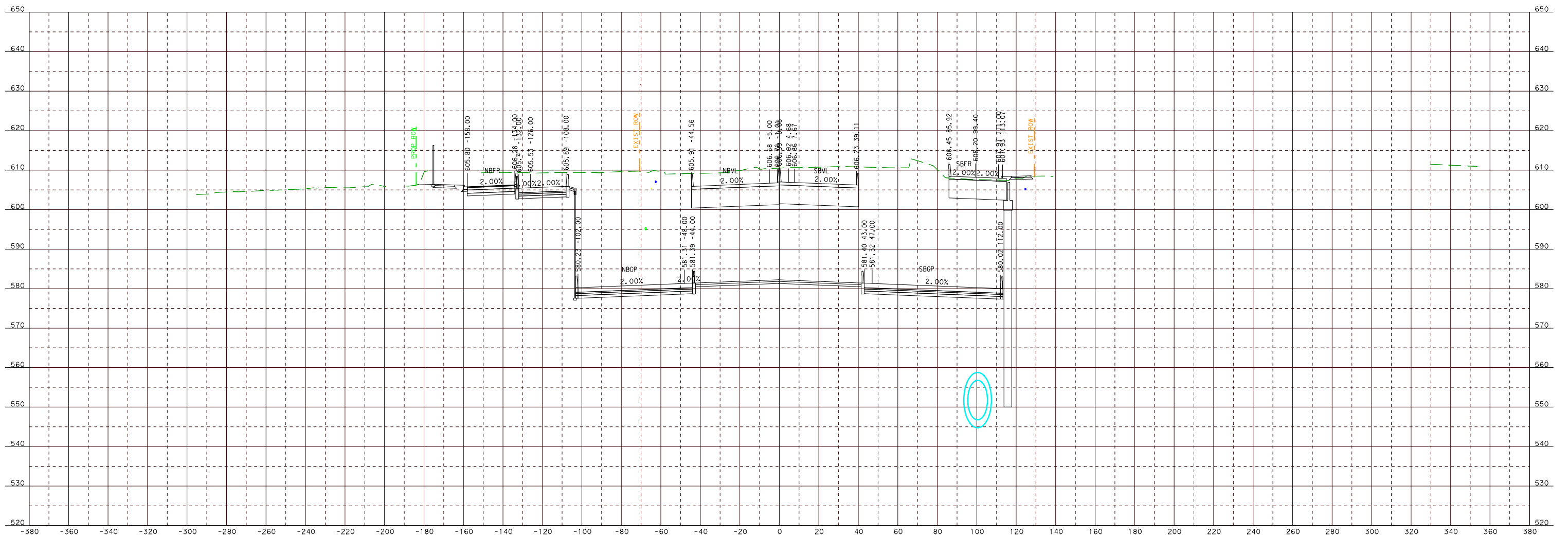


STA 3176+00.00

STA. 3176+00.00 TO STA. 3176+00.00

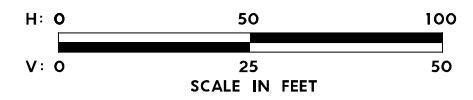


M35 CAPEX CENTRAL  
CROSS SECTIONS

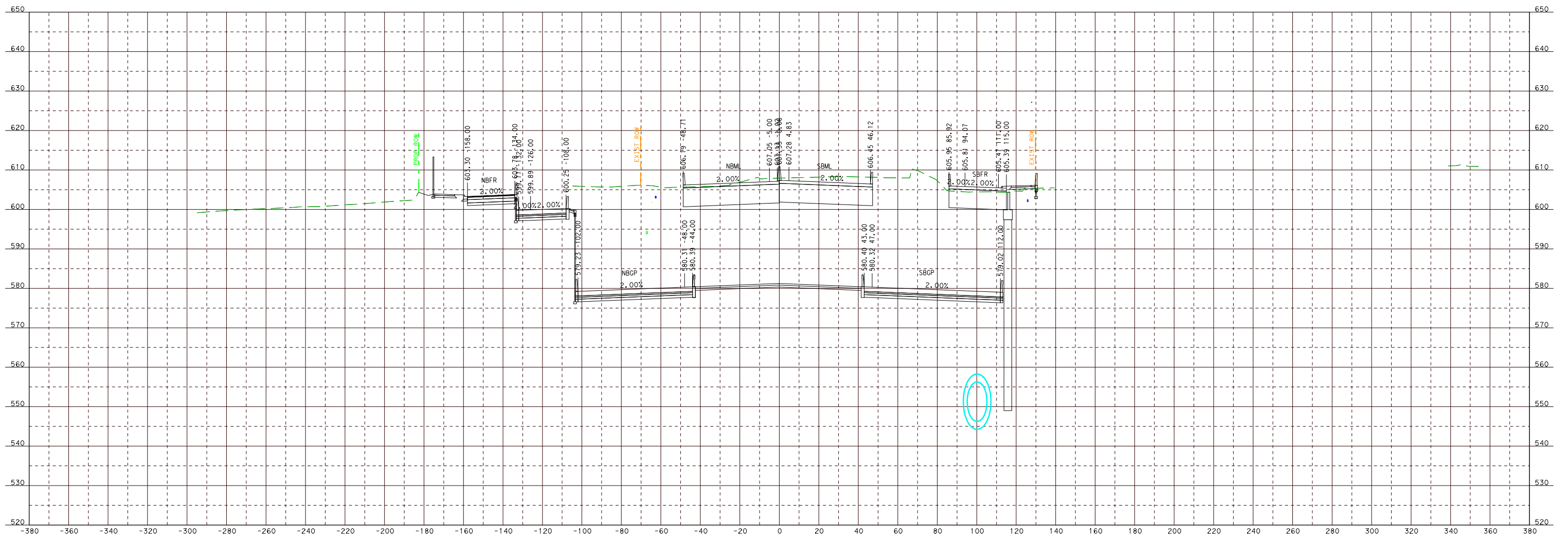


STA 3177+00.00

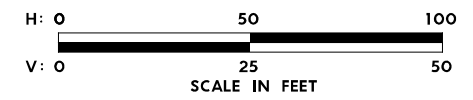
STA. 3177+00.00 TO STA. 3177+00.00



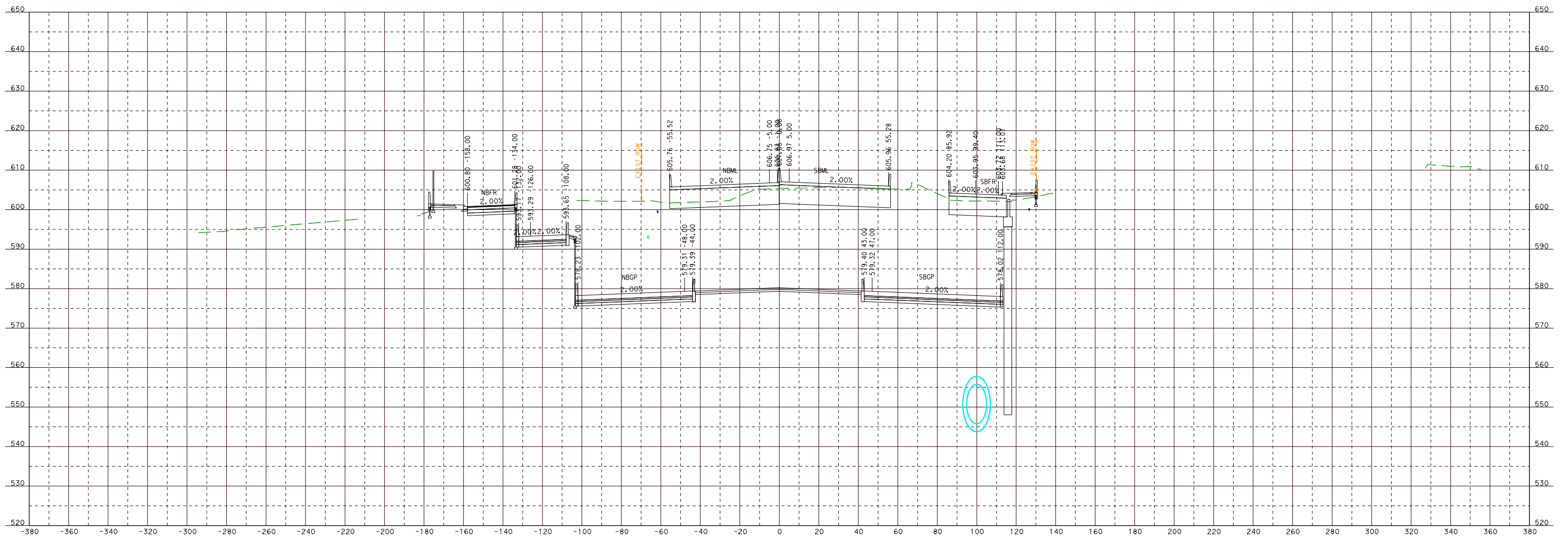
M35 CAPEX CENTRAL  
 CROSS SECTIONS



STA. 3178+00.00 TO STA. 3178+00.00

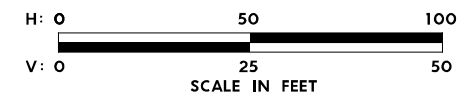


M35 CAPEX CENTRAL  
 CROSS SECTIONS

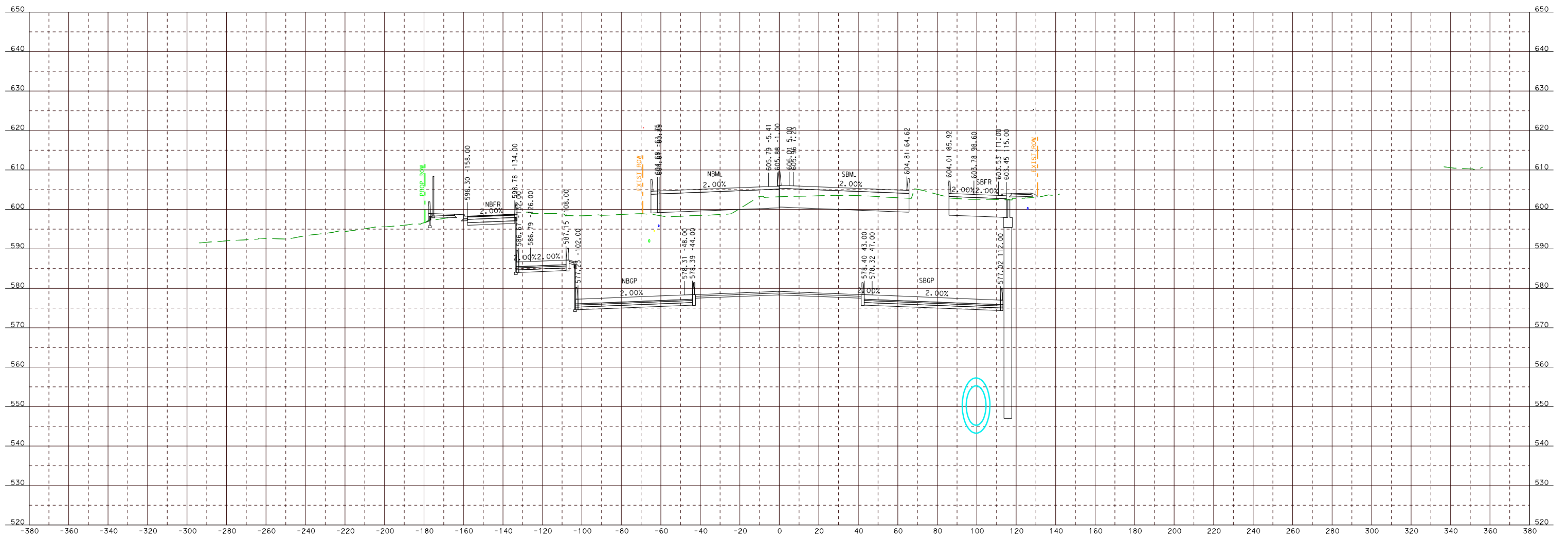


STA 3179+00.00

STA. 3179+00.00 TO STA. 3179+00.00

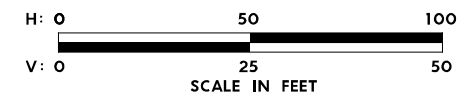


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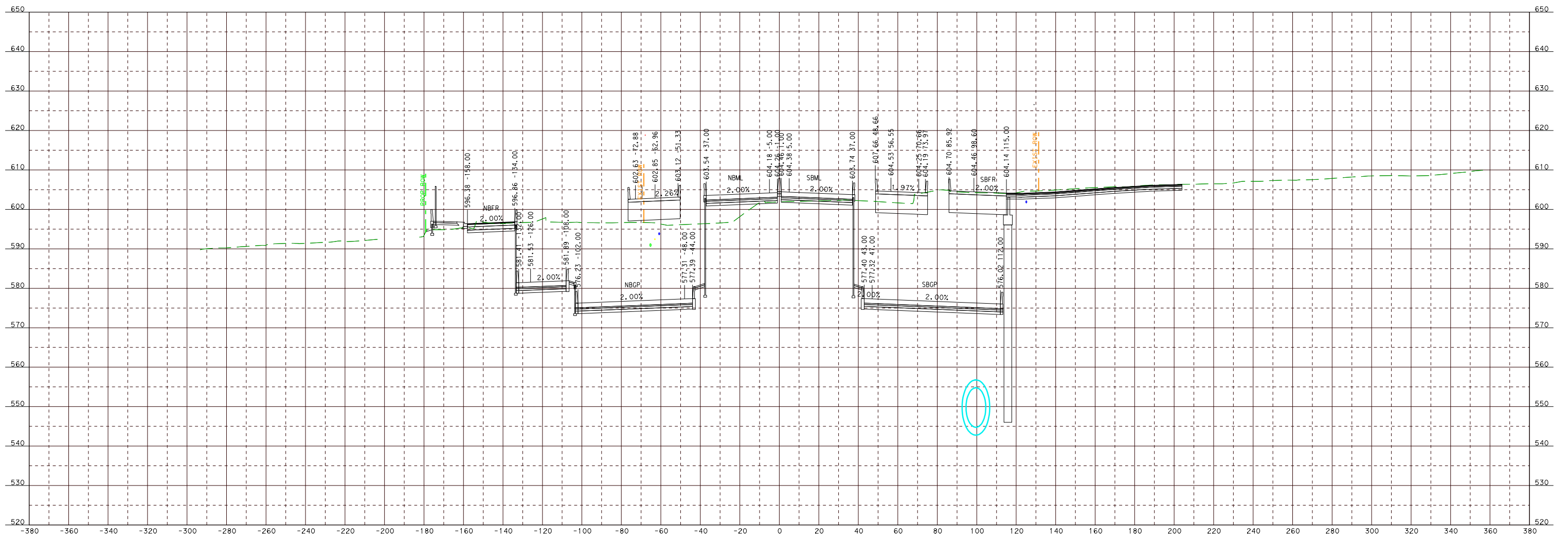


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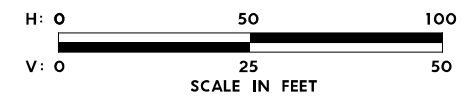
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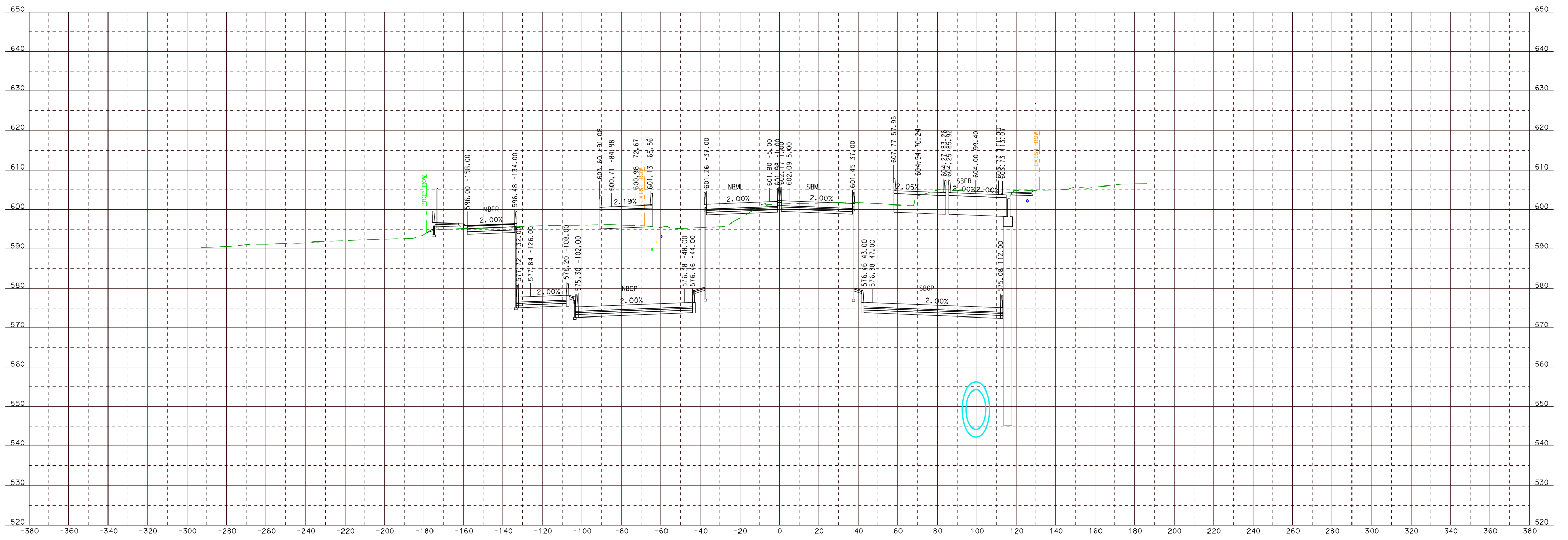
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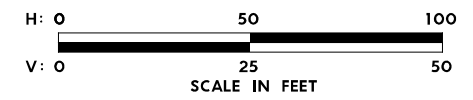


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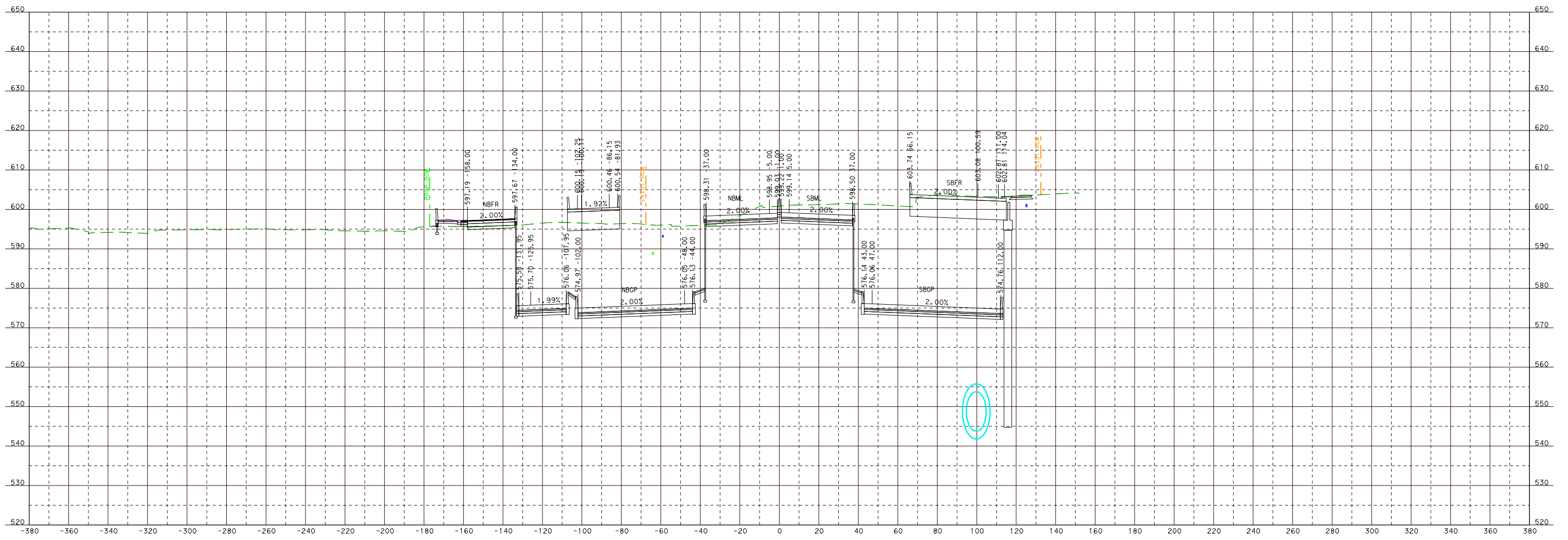
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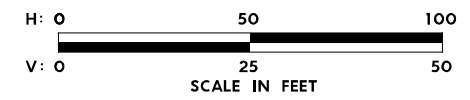
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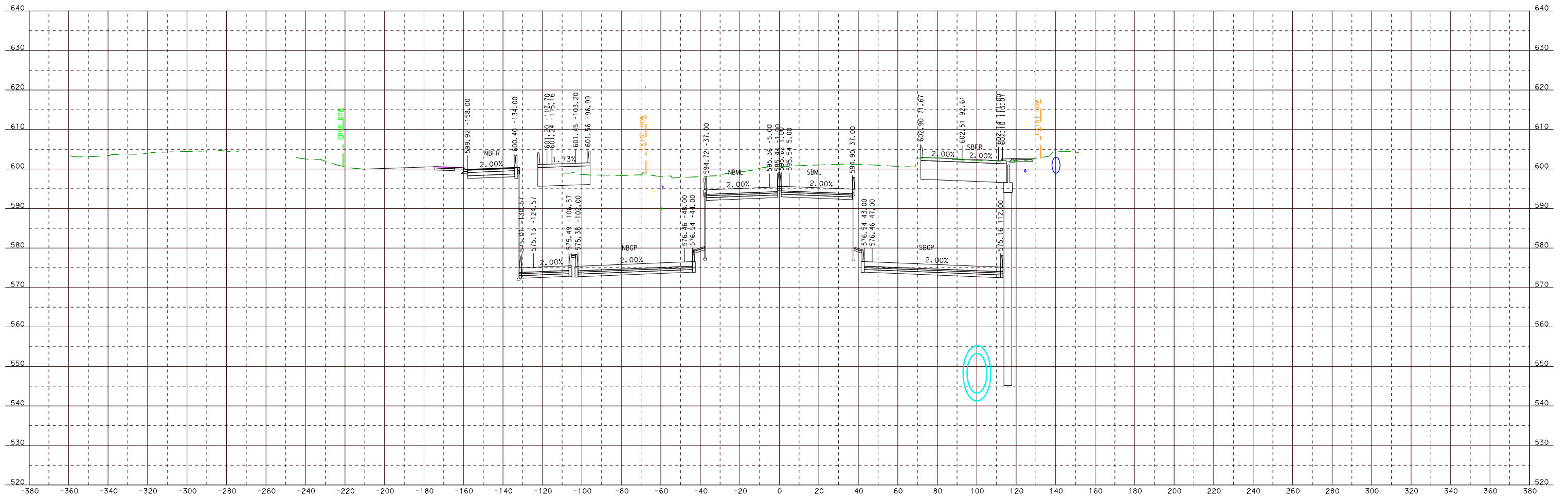


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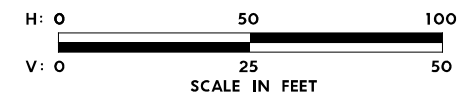


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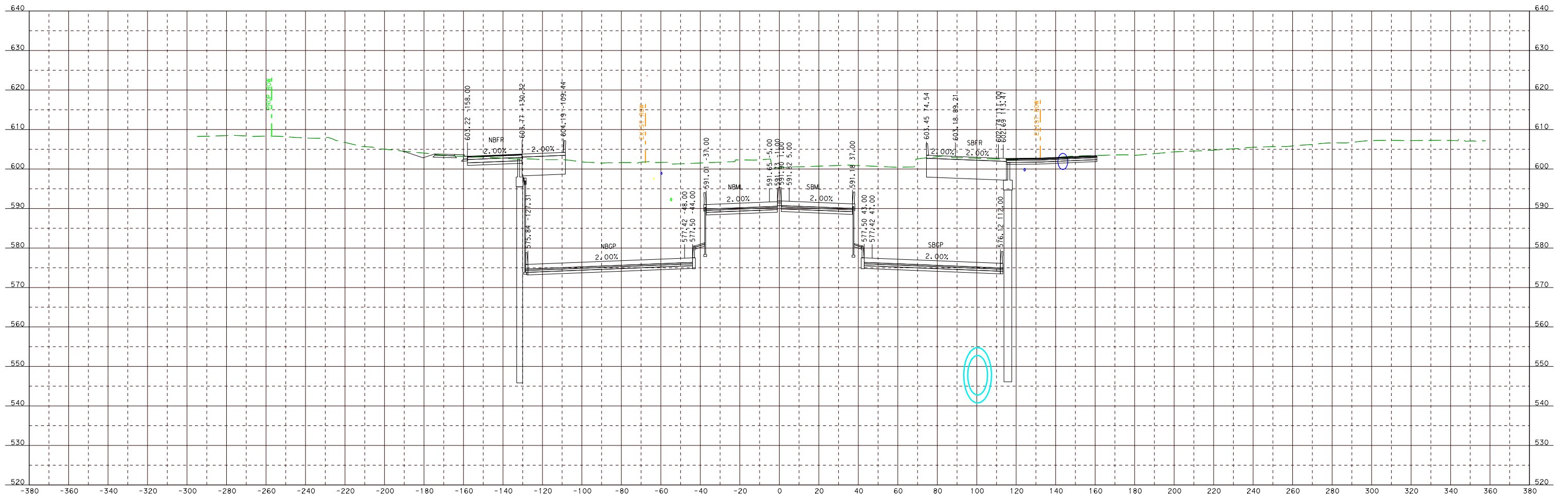


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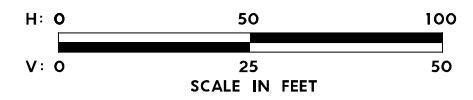


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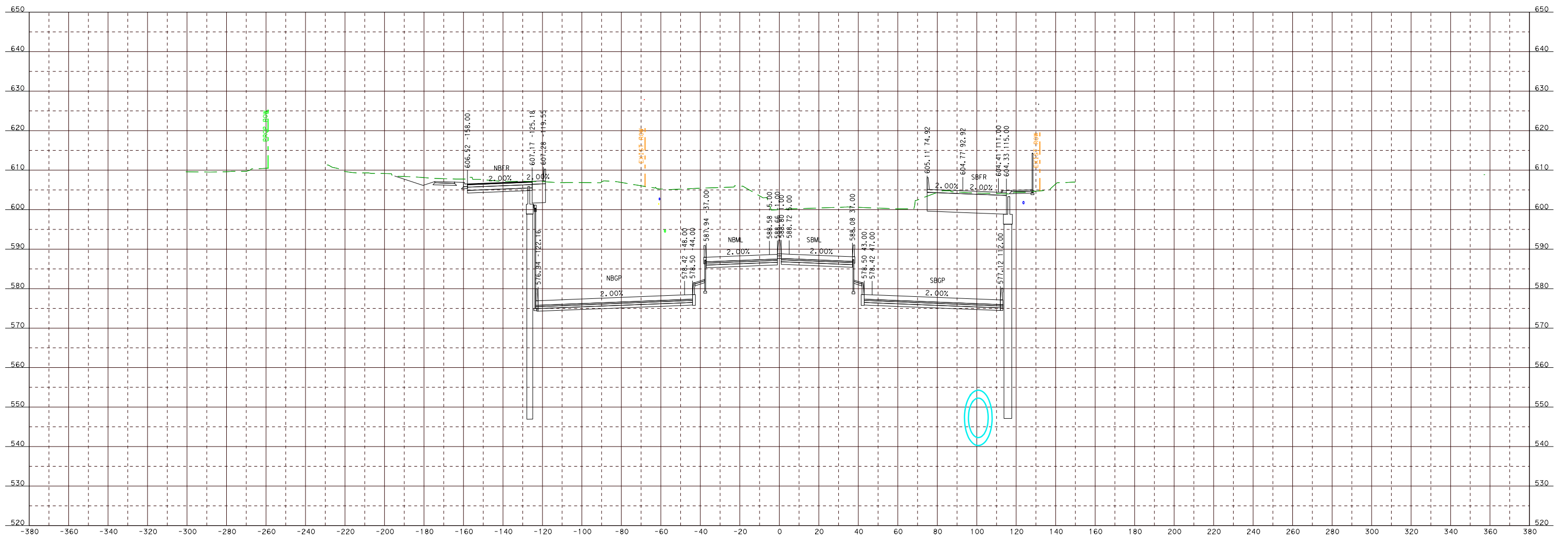


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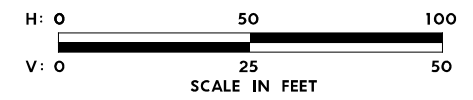


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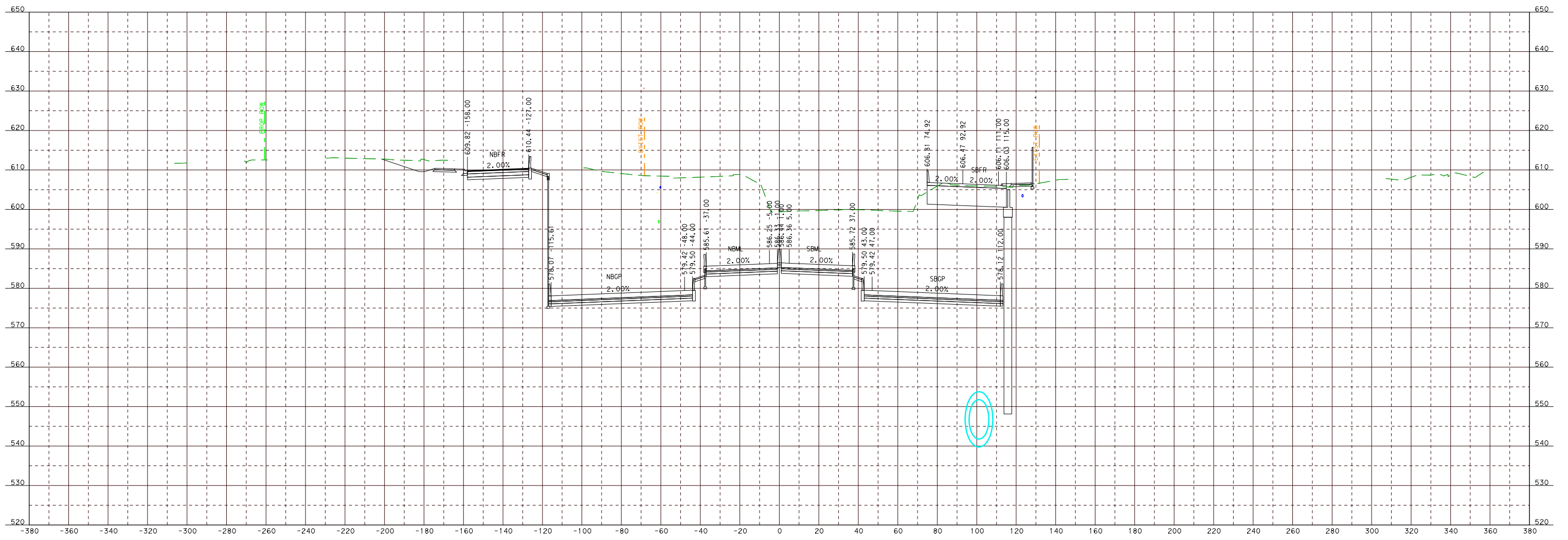


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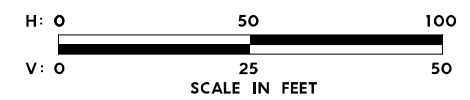


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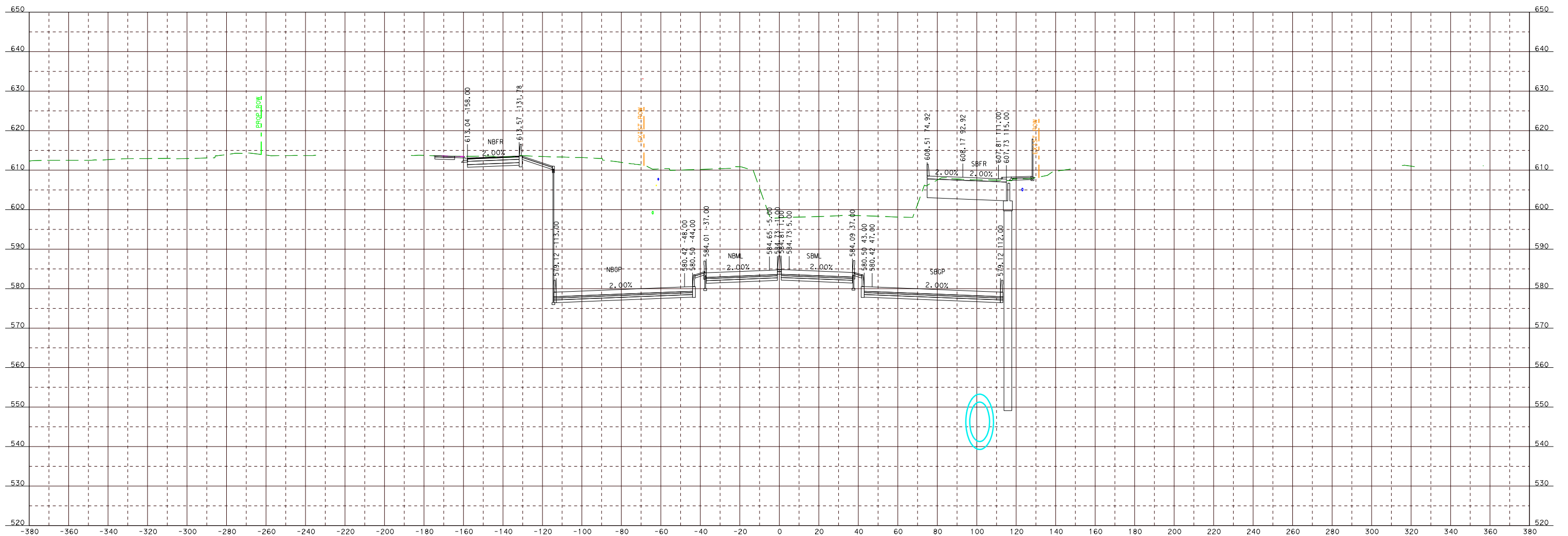


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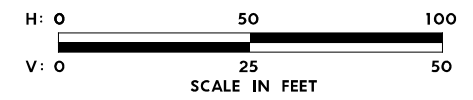


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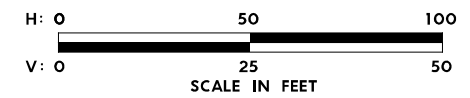


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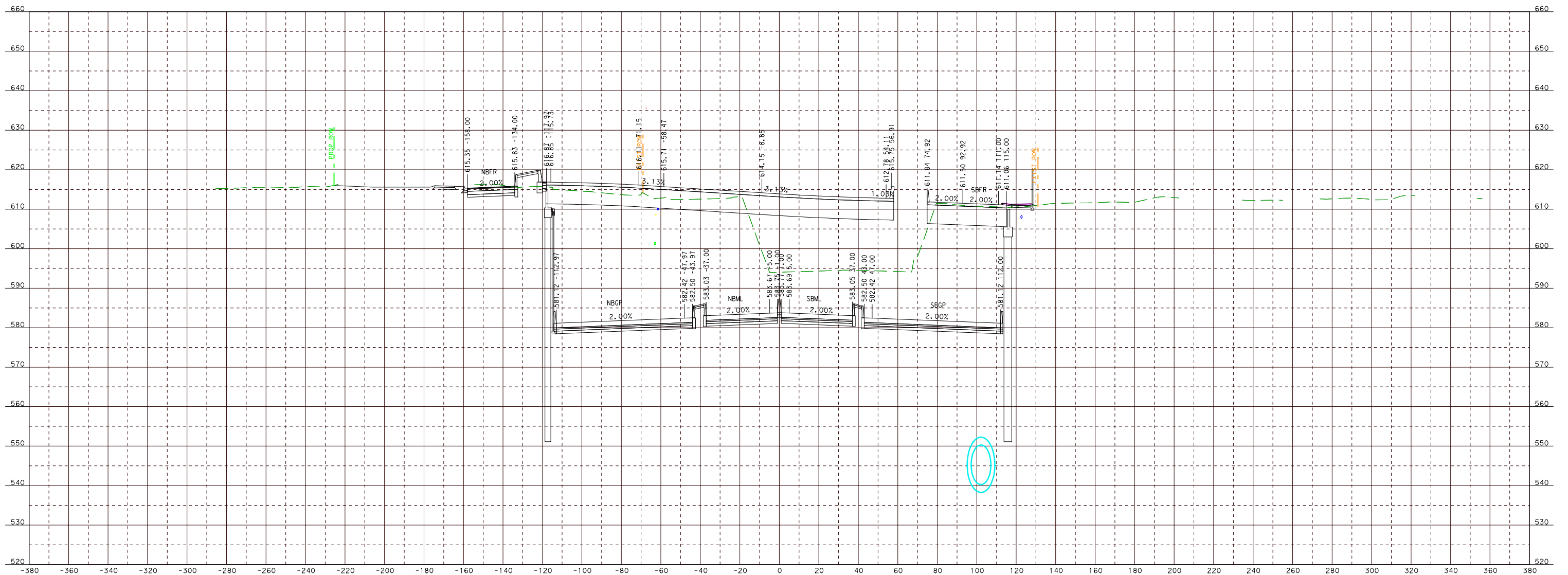


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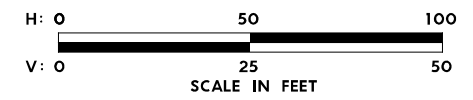


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M35 CAPEX CENTRAL  
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**From:** [Rebekah Dobrasko](#)  
**To:** [david keene](#); [Ray Umscheid](#); [Darren Dodson](#); [Angela McMurray-C](#); [Tricia Bruck-Hoyt-C](#); [Sonya Hernandez](#); [Rick Mitchell](#); [Alex Borger](#); [Emily Pettis](#); [Valentine, Shane](#); [Asendorf Hyde, Terri](#)  
**Cc:** [Tommy Abrego](#); [Eric Bennett](#); [Frances Jordan-C](#); [Nicholas Barbera-C](#); [Frances Jordan](#)  
**Subject:** TxDOT and Wilshire Wood/Delwood I Neighborhood Meeting  
**Date:** Wednesday, March 15, 2023 1:44:31 PM  
**Attachments:** [230221\\_WWD1\\_NA\\_MeetingNotes.pdf](#)

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Hello everyone,

I just wanted to follow up from our meeting on February 21, 2023 with our meeting summary. Please let me know if you need any revisions or see any inaccuracies in the summary.

Thank you all for your participation;

Rebekah



**REBEKAH DOBRASKO**

Environmental Affairs

Section Director, Cultural

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Interstate Highway (IH) 35 Capital Express Central  
Meeting with Wilshire Wood/Delwood I Neighborhood Association

February 21, 2023, 6:00 p.m. via Zoom

### **Attendees:**

Rebekah Dobrasko, Ray Umscheid – Texas Department of Transportation, Environmental Affairs Division (TxDOT ENV)

Angela McMurray – TxDOT AUS Mobility35 General Engineering Consultant (GEC)

Darren Dodson – CP&Y (TxDOT project consultant for traffic noise)

Terri Asendorf-Hyde – HDR (TxDOT project consultant for environmental studies)

Frances Jordan – Rifeline (TxDOT project consultant for public involvement)

Rick Mitchell, Alex Borger – Mead & Hunt (TxDOT project consultant for historic resources)

David Keene – Wilshire Wood/Delwood I (WW/D1) Neighborhood Association (NA) Section 106 liaison

21 additional attendees – WW/D1 residents or representatives

### **Introduction**

Rebekah Dobrasko opened the meeting with introductions, project background, and a status recap on the Environmental Impact Statement and Section 106 processes.

### **TxDOT Traffic Noise Overview**

Ray Umscheid gave an overview of federal noise regulations and policies for highway projects. 23 CFR 772 is the Federal rule and is applied uniformly. The Capital Express central I-35 project triggered noise analysis with the added traffic lanes. TxDOT followed Federal Highway Administration criteria, looking at current noise levels and predicted 20-year noise levels given project construction, using Traffic Noise Model 2.5 software. I-35 already creates substantial noise impacts. The noise analysis found that impacts would remain at locations along the I-35 corridor.

Noise barriers are TxDOT's main tool for reducing noise impacts. Reduction in traffic speeds also reduces noise, but traffic would need to be slowed by 25 mph to bring noise levels down, which is not really an option for I-35. The goal for noise barriers is to achieve a 5-decibel reduction to at least 50 percent of properties adjacent to the walls. If that is achievable, the next step is examining technical feasibility and cost. In the case of Wilshire Wood, a barrier would not meet these thresholds.

### **Discussion/Questions**

*What is the biggest factor in determining how noise walls are proposed and selected?*

The wall needs to basically block the line of sight between the affected location and the roadway. In this case, there would need to be several breaks in a wall for driveways, cross streets, railroad. Smaller-length walls would not produce enough decrease in noise to be proposed for further study.

*How deep is I-35 depressed in this location?*

Between 38 ½ Street and Airport Boulevard, the main lane depth is between 5 and 43 feet below existing ground level. At the Red Line crossing main lane depth is 30 to 38 feet below existing ground level and 27 to

38 feet deep relative to right-of-way. At Wilshire Boulevard, main lane depth is 22 to 27 feet below existing ground and 20 to 22 feet deep relative to right-of-way.

*How high are typical sound walls?*

Usually 11 to 14 feet on flat ground. Based on traffic modeling, a 5-decibel reduction could not be achieved in Wilshire Wood area even with a 20-foot wall.

*In Houston, sound walls are 20 to 30 feet high. Why are those not considered here?*

The same federal rules and procedures are used across Texas.

*The noise analysis compares predicted noise levels vs. a federal accepted standard, not current noise vs. future noise?*

Correct.

*The models are not from actual measurements, correct?*

The noise values are from modeling, but actual measurements are taken at some locations to validate the model's accuracy. One measurement point was taken from a park near the neighborhood.

*Can you clarify – noise reducing or increasing with the project compared with current, is that what triggers a location being evaluated for possible noise barriers?*

No, if the projected noise is above the federal threshold, that is considered an impact regardless of the current noise level. Many noise receivers are projected to have less noise than current levels, but still noisy enough to have noise impacts throughout the corridor. Receiver R18 in the area went down 1 decibel from 74 dB to 73 dB. Receiver R19 went up 1 dB.

*Several residents: Traffic noise is dependent on the time of day. It's much noisier when traffic is free flowing and reduced with stop-and-go traffic.*

That's correct, faster traffic causes greater noise levels.

*How would the project affect noise for St. George's Church/School. Is that where the highway lanes begin to go above grade?*

Clarification from David Keene – the freeway lanes do not rise up there but a ramp from freeway to Airport Boulevard does rise to grade there. Ray Umscheid – If ramps and cars are within the line of sight of the buildings, then there will be traffic noise. The traffic volume from ramps is less than freeway lanes. The noise analysis is modeled with traffic at full speed rather than stop-and-go.

*I am surprised by two things: 1) No noise walls for Wilshire Wood/Delwood I, although there are some would be favor of that and some against. 2) Same noise levels even with depressed main highway lanes and a slight shift of the frontage road away from the neighborhood.*

Yes, the depressed design also means noise walls wouldn't help noise levels much. The reduction in noise from the design is countered by higher traffic volumes in the 20-year future projection. Doubling the traffic increases noise by 3 dB. The noise analysis was modeled as a worst-case scenario with increased traffic and full speed. Also, a slight increase in distance does not help much to reduce noise. The roadway would need to have double the distance to provide a 5 dB reduction.

*Does the model take into consideration potential increased speed limits in the future?*

The model uses projected speed limits. The model is based on future projections of traffic volume and full speed.

*What time of day was the validation testing study done? Is the validation study conducted to check that the geometry of the noise model is correct?*

The validation study checks the distances, number and types of vehicles, and types of inputs. The model is a three-dimensional representation of reality based on all the inputs. The time of day for validation depends on the flow of traffic. It is done when traffic is free flowing, with manual counts of light, medium, and heavy vehicles for 15 minutes. The accuracy goal is that the modeling is within 3 dB of actual. The Mueller Greenway validation point was measured between 11:45 am and 12:00 noon. Other locations were measured between 9:00 and 10:00 am.

*Is Wilshire Wood still in consideration for sound walls? Or just receiving explanations on why the neighborhood is not getting sound walls?*

David Keene: TxDOT's environmental process is not final yet. Individuals and community groups can still give comments. Cherrywood did get a sound wall, but some people there are not happy about that. It's a contentious issue.

*If community members are concerned about noise issues, what should they do? Submit comments via the Draft EIS public hearing process?*

Yes, through the public hearing process. And community members can ask for the technical reports as well.

*How did Cherrywood get the noise wall? Was it noise-based or lobbying?*

The Cherrywood wall was because: 1) The existing businesses along I-35 provide some screening between the road and the residences. With those businesses removed, the noise reaching the residences will increase. 2) There are fewer driveway and cross-street breaks in Cherrywood, and the solid wall without many breaks is more effective to reduce noise. It is more difficult to justify a noise barrier that won't meet the threshold for noise reduction.

*Can you clarify – the final decision of wall locations is based on achieving approval vote from 50+ percent of adjacent property owners?*

The Federal process is based on 50+ percent approval from all benefitting properties, defined as those properties projected to have a 5-decibel noise reduction from the wall. TxDOT has expanded that to include all adjacent properties regardless of noise reduction.

*Wilshire Wood is a historic district listed in the National Register of Historic Places. As part of this project, Delwood I is considered eligible for the National Register as well. Section 106 regulations say evaluation of effects – whether air, visual, or noise - applies to the entire district not just the first tier of properties.*

Noise impacts to historic districts are taken into account through the Section 106 process and Section 106-related mitigation but doesn't necessarily equate to noise walls. Noise analysis and noise wall votes are a different regulatory process.

*The schematics show a white space next to St. George's Church. What is going to happen to those areas?*

The project team is working on draft aesthetics to these areas shown as white on the schematics, including the Airport Boulevard area, and is looking for input and suggestions as part of the aesthetic process. The aesthetics in the white-space areas and shared-use paths will be discussed at the VOICE meeting on April 11<sup>th</sup>, and a goal will be to get community input on this area. That input could also be provided as comments to the

DEIS, with the comment period running through March 7<sup>th</sup>. [Links to DEIS and Public Hearing provided in the chat.]

*What other noise mitigation options for historic properties may be available other than walls?*

Section 106-mitigation could consider things like material changes to properties such as windows and doors that could reduce interior noise.

*What is the estimated construction date?*

As the EIS is finalized, TxDOT will be moving away from the environmental phase and into the design phase, then moving into construction in 2025.

*Everyone should be aware of the cap-and-stitch program, it's an ongoing important discussion with the City of Austin. This could be like Klyde Warren Park built on a cap in downtown Dallas. It's exciting but not easy and it's expensive.*

*The cap-and-stitch sounds wonderful, but afraid it will become a tourist amenity rather than a neighborhood amenity.*

TxDOT can't contribute much to caps and stitches based on what's allowed for highway funding by the Legislature. TxDOT can design the highway to handle caps and stitches built by others. The Dallas park was funded by local foundations and organizations. The current design has stitches but currently no provision for caps north of the University of Texas. [Link to City of Austin cap-and-stitch program added in the chat.]

*Also a shout-out to our neighborhood creek committee. TxDOT is dealing with creeks and watersheds on I-35. TxDOT is still in the early stages on drainage and hydrology studies. A lot of those decisions will be made in the design phase.*

### **Recap/Conclusion**

Thanks to everyone for participation and questions. Questions should be funneled to David Keene and he will send to Rebekah Dobrasko. Rebekah will continue to send the neighborhood Section 106-related information via David. The meeting ended at 7:16 p.m.

**From:** [Rebekah Dobrasko](#)  
**To:** [bobward7@gmail.com](#); [meghan@preservationaustin.org](#); [kalan.contreras@austintexas.gov](#); [harmjava@yahoo.com](#); [j davidkeene@gmail.com](#); [Justin Kockritz](#); [kim.mcknight@austintexas.gov](#); [Ricardo.Soliz@austintexas.gov](#); [stacilivesay@gmail.com](#); [swedehillna@gmail.com](#); [saraz@zlyst.com](#); [thompson@preservationtexas.org](#); [jrigdon@waterloogreenway.org](#); [colleen.theriot@norwoodparkfoundation.org](#); [powens@edgeoys.com](#); [baccaresproject@gmail.com](#); [leadership@blackleaderscollectiveatx.com](#); [stgeorgeaustin@gmail.com](#); [jwalker78722@gmail.com](#); [Marshall, Sarah](#); [Marx, Michelle](#); [Amy Mcwhorter](#); [Bertron, Cara](#)  
**Cc:** [Sonya Hernandez](#); [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Rick Mitchell](#); [Alex Borger](#); [Emily Pettis](#); [Valentine, Shane](#); [Asendorf Hyde, Terri](#); [Tommy Abrego](#); [Rebekah Dobrasko](#)  
**Subject:** TxDOT Project: I-35 CapEx Central Mitigation Proposal  
**Date:** Monday, March 20, 2023 11:22:04 AM  
**Importance:** High

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Good morning TxDOT I-35 Section 106 Consulting Parties:

We are barreling toward the end of our environmental review process for I-35 CapExpress Central. To that end, one of the remaining pieces of the historic preservation process is the mitigation for the loss of historic properties along the corridor. Below is TxDOT's proposed historic preservation mitigation, with some questions for you. Please respond by **Friday, March 31** with your answers to the questions or any other suggestions for mitigation.

1. **Document all historic buildings proposed for demolition** (EBBC Main Office, Dura Tune Gas Station, Haster House, Roberts House).

Questions for consulting parties:

- Haster House: What documentation do you want to see? We already have an Intensive Survey, is that enough? More photographs?
- Dura Tune Gas Station: What documentation do you want to see? We have details about it as a gas station, is that enough? More photographs?
- Roberts House: Should we do an intensive survey for this property? What else should be done on top of this for documentation?
- Elgin Butler Brick Company Main Office: What documentation do you want to see? Interior, room-by-room documentation? 3D? Laser?
- Where should the documentation be housed? Austin Historic Center? THC? Both?

2. **Salvage components of the Elgin-Butler Brick Company Main Office.** TxDOT will prepare a salvage plan that will identify what components of the building to salvage and how TxDOT will deconstruct, clean, label, and store the brick associated with the office. TxDOT will provide the plan to consulting parties for their feedback and comments. After salvage, TxDOT will make the bricks available for reuse along the corridor as part of the aesthetics and interpretation of history plan. The bricks may be used by artists in murals or rebuilt on portions of TxDOT ROW to tell the story of the Elgin-Butler Brick Company Main Office. If TxDOT does not use all the salvaged brick, TxDOT will consult with the consulting parties to determine appropriate disposition of the brick.

3. **Write a historic context on Mexican-American history in Austin**, with a geographic focus on the corridor along what is now I-35 from Lady Bird Lake to Airport Boulevard. The historic context will develop a history of Mexican and Mexican-Americans in Austin with a focus on the built environment and cultural landscape. Temporally, the context will cover Mexican-

American history from the founding of Austin through the Chicano Civil Rights Movement. The context development will involve community engagement with groups and organizations identified by the consulting parties for invited participation. The goal of the context is to provide a framework for evaluating and listing properties associated with Mexican-American history either as local landmarks or as National Register of Historic Places sites. The context will NOT include any survey work beyond what has already been done for the I-35 CapEx Central project.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters?
- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?
- Do you want suggested registration requirements in the context?
- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?

4. **Write an interpretive framework** for the I-35 corridor from Lady Bird Lake to Airport Boulevard. An interpretive framework will be a resource for organizations and agencies to use to shape their own interpretation along the I-35 corridor that best fits their organization. The framework will be a document that will include

- A vision/unifying statement of interpretation along I-35 corridor
- An overview/data gathering of the studies, interpretation, and organizations that already existing along the I-35 corridor (as defined above)—for instance, this will include the information and plan for the Palm District done by the City of Austin, the Waterloo Conservancy plan and interpretation documents, etc.
- A discussion of the audience or potential audiences for interpretation
- Interpretive themes based on consultation and participation from community organizations and government agencies in the development of the framework

After the development of the framework, TxDOT will propose three interpretation projects for the I-35 corridor that fits with the audiences, themes, and vision of interpretation. TxDOT will choose the interpretation projects with its consulting parties and will consider the cost, any proposed maintenance, and the timeframe for interpretation along the corridor. Interpretation projects may include digital projects, signage on the landscape, or partner projects with other organizations and landscapes.

Questions for consulting parties:

- What do you think about this proposal vs. an interpretive plan?
- What do you think about the geographic parameters of the framework?

**THANK YOU** for your participation in this project and this process. All mitigation commitments will be codified in a legal agreement. If you would like to participate further in the development of that legal agreement, please let me know.

I look forward to hearing from you!

Sincerely,

Rebekah Dobrasko



**REBEKAH DOBRASKO**

Environmental Affairs

Section Director, Cultural

Resources

O: 512-416-2570

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**From:** [Rebekah Dobrasko](#)  
**To:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Sonya Hernandez](#)  
**Subject:** Fwd: TxDOT Project: I-35 CapEx Central Mitigation Proposal  
**Date:** Thursday, May 4, 2023 9:37:36 AM  
**Attachments:** [thc\\_email\\_logo\\_65px\\_e6b590e5-b608-48df-a46f-bbaf70308c09.png](#)  
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Section 106 Mitigation comments email 1 of 4.

Sent from [Outlook](#) for iOS

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**From:** Justin Kockritz <Justin.Kockritz@thc.texas.gov>  
**Sent:** Thursday, March 30, 2023 4:04:01 PM  
**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>; bobward7@gmail.com <bobward7@gmail.com>; meghan@preservationaustin.org <meghan@preservationaustin.org>; kalan.contreras@austintexas.gov <kalan.contreras@austintexas.gov>; harmjava@yahoo.com <harmjava@yahoo.com>; jdavidkeene@gmail.com <jdavidkeene@gmail.com>; kim.mcknight@austintexas.gov <kim.mcknight@austintexas.gov>; Ricardo.Soliz@austintexas.gov <Ricardo.Soliz@austintexas.gov>; stacilivesay@gmail.com <stacilivesay@gmail.com>; swedehillna@gmail.com <swedehillna@gmail.com>; saraz@zlyst.com <saraz@zlyst.com>; thompson@preservationtexas.org <thompson@preservationtexas.org>; jrigdon@waterloogreenway.org <jrigdon@waterloogreenway.org>; colleen.theriot@norwoodparkfoundation.org <colleen.theriot@norwoodparkfoundation.org>; powens@edgeoys.com <powens@edgeoys.com>; baccaresproject@gmail.com <baccaresproject@gmail.com>; leadership@blackleaderscollectiveatx.com <leadership@blackleaderscollectiveatx.com>; stgeorgeaustin@gmail.com <stgeorgeaustin@gmail.com>; jwalker78722@gmail.com <jwalker78722@gmail.com>; Marshall, Sarah <Sarah.Marshall@austintexas.gov>; Marx, Michelle <Michelle.Marx@austintexas.gov>; Amy Mcwhorter <Amy.Mcwhorter@traviscountytx.gov>; Bertron, Cara <Cara.Bertron@austintexas.gov>  
**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Rick Mitchell <rick.mitchell@meadhunt.com>; Alex Borger <Alex.Borger@meadhunt.com>; Emily Pettis <emily.pettis@meadhunt.com>; Valentine, Shane <shane.valentine@hdrinc.com>; Asendorf Hyde, Terri <Terri.Asendorf@hdrinc.com>; Tommy Abrego <Tommy.Abrego@txdot.gov>; Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Subject:** RE: TxDOT Project: I-35 CapEx Central Mitigation Proposal

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

Hi all,

Thank you, Rebekah, for putting these mitigation proposals together and for your work for meeting with the consulting parties in recent months. I have some preliminary comments for three of the four proposals in [red](#) below. I will have a follow-up tomorrow with some comments about the historic context project.

I would certainly love to hear from the other consulting parties as well if these proposals are on the right track or if there are other ideas that should be considered.

One other item that I would like to see explored would be the potential to relocate the Haster House and the Roberts House and make them available for housing. Could the houses be made available to a non-profit organization (such as an area community development corporation) and then TxDOT's estimated costs for the demolition are applied towards relocation instead? I realize there would be a lot of moving parts for something like that, and I could support a "drop dead" date to move forward with demolition if a suitable owner and location are not found (or if this is otherwise unfeasible), but if there will be time before construction activities start at these locations, maybe that would be enough to figure out all of the details? Perhaps the City of Austin or Preservation Austin staff have some experience with something like that? I know that we have done things like this for historic bridges in the past, but has TxDOT relocated buildings as part of project commitments before? I can find some language that THC has used for other projects where buildings are relocated as part of a Section 106 project.

If you have any questions about our comments, or if we should have a consulting party meeting to discuss, please let us know.

1. **Document all historic buildings proposed for demolition** (EBBC Main Office, Dura Tune Gas Station, Haster House, Roberts House).

Questions for consulting parties:

- Haster House: What documentation do you want to see? We already have an Intensive Survey, is that enough? More photographs?

The Intensive Survey seems sufficient as far as the history of the property and the exterior photographs seem comprehensive. Are there any additional interior photographs available or that could be taken once TxDOT acquires the property? Ideally, I would also want a sketch site plan and floorplan with photo key.

I would recommend:

- 1) Submitting full-page color prints of the photographs on archival paper and high-quality digital photographs (preferably in TIFF format, but JPEG would be acceptable) to THC.
- 2) Offering hardcopy and/or digital copies of the Intensive Survey, copies of the printed archival-quality photographs, and copies of the digital photographs to the Austin History Center and the City of Austin Historic Preservation Office, who could then choose what, if any, of those materials they wish to acquire.
- 3) Offering digital copies of the Intensive Survey and digital photographs to the other consulting parties.

- Dura Tune Gas Station: What documentation do you want to see? We have details about it as a gas station, is that enough? More photographs?

The Reconnaissance Survey seems sufficient as far as the history of the property. I do not think additional photographs are necessary (or particularly useful given its current condition), but are there any additional photographs of the property available from the survey work?

I would recommend:

- 1) Repackaging the material from the Reconnaissance Survey (including the photographs, site forms, and relevant maps of the National Register boundary) and

full-page color prints of the photographs on archival paper and submitting that to THC.

- 2) Offering that same package in hardcopy and/or digital formats to the Austin History Center and City of Austin Historic Preservation Office, who could then choose what, if any, of those materials they wish to acquire.
- 3) Offering digital copies of that same package to other consulting parties.

- Roberts House: Should we do an intensive survey for this property? What else should be done on top of this for documentation?

The Reconnaissance Survey seems sufficient as far as the history of the property. Are there any interior photographs available or that could be taken once TxDOT acquires the property? Ideally, I would want also a sketch site plan and floorplan with photo key.

I would recommend:

- 1) Repackaging the material from the Reconnaissance Survey (including the photographs, site forms, and relevant maps of the National Register boundary) and full-page color prints of the photographs on archival paper and submitting that to THC.
- 2) Offering that same package in hardcopy and/or digital formats to the Austin History Center and City of Austin Historic Preservation Office, who could then choose what, if any, of those materials they wish to acquire.
- 3) Offering digital copies of that same package to other consulting parties.

- Elgin Butler Brick Company Main Office: What documentation do you want to see? Interior, room-by-room documentation? 3D? Laser?

The Intensive Survey seems sufficient as far as the history of the property and the exterior photographs seem comprehensive. Laser scanning or developing a digital 3-D model is interesting, but since so much of the unique character of the building lies in its specific materials, I wonder if thorough high-quality photographs would provide the best documentation? I, admittedly, do not have experience with laser scans for a resource like this.

I would like to see a modified Historic American Building Survey (HABS) documentation package with sketch site plans and floor plans, a photo key, and two photographs of each major interior space. We have not done much in the way of full HABS documentation, so I would think digital photographs could be substituted instead of actual film. The documentation would not be required to submit to the Library of Congress.

Then,

- 1) Submitting full-page color prints of the photographs on archival paper and high-quality digital photographs (preferably in TIFF format, but JPEG would be acceptable) to THC.
- 2) Offering hardcopy and/or digital copies of the Intensive Survey, copies of the printed archival-quality photographs, and copies of the digital photographs to the Austin History Center and the City of Austin Historic Preservation Office, who could

then choose what, if any, of those materials they wish to acquire.

3) Offering digital copies of the Intensive Survey and digital photographs to the other consulting parties.

- Where should the documentation be housed? Austin Historic Center? THC? Both?

See above.

2. **Salvage components of the Elgin-Butler Brick Company Main Office.** TxDOT will prepare a salvage plan that will identify what components of the building to salvage and how TxDOT will deconstruct, clean, label, and store the brick associated with the office. TxDOT will provide the plan to consulting parties for their feedback and comments. After salvage, TxDOT will make the bricks available for reuse along the corridor as part of the aesthetics and interpretation of history plan. The bricks may be used by artists in murals or rebuilt on portions of TxDOT ROW to tell the story of the Elgin-Butler Brick Company Main Office. If TxDOT does not use all the salvaged brick, TxDOT will consult with the consulting parties to determine appropriate disposition of the brick.

Yes, I like this idea to salvage the and reuse these unique materials and incorporating them into the aesthetic treatment plan. Would it be possible to learn a bit more about that process? I would think that the Section 106 mitigation would be the salvage and *commitment* to reuse materials, but that we would not need to get into the specific designs.

If we do this, I would also like to see some sort of small interpretive sign near where the materials have been reused to explain where they came from and why they were salvaged.

3. **Write a historic context on Mexican-American history in Austin**, with a geographic focus on the corridor along what is now I-35 from Lady Bird Lake to Airport Boulevard. The historic context will develop a history of Mexican and Mexican-Americans in Austin with a focus on the built environment and cultural landscape. Temporally, the context will cover Mexican-American history from the founding of Austin through the Chicano Civil Rights Movement. The context development will involve community engagement with groups and organizations identified by the consulting parties for invited participation. The goal of the context is to provide a framework for evaluating and listing properties associated with Mexican-American history either as local landmarks or as National Register of Historic Places sites. The context will NOT include any survey work beyond what has already been done for the I-35 CapEx Central project.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters?
- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?
- Do you want suggested registration requirements in the context?
- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?

I have a meeting to discuss this with Greg Smith, the THC National Register Coordinator on Friday. I will have THC comments on this Friday after that meeting.

4. **Write an interpretive framework** for the I-35 corridor from Lady Bird Lake to Airport Boulevard. An interpretive framework will be a resource for organizations and agencies to use to shape their own interpretation along the I-35 corridor that best fits their organization. The framework will be a document that will include
- A vision/unifying statement of interpretation along I-35 corridor
  - An overview/data gathering of the studies, interpretation, and organizations that already existing along the I-35 corridor (as defined above)—for instance, this will include the information and plan for the Palm District done by the City of Austin, the Waterloo Conservancy plan and interpretation documents, etc.
  - A discussion of the audience or potential audiences for interpretation
  - Interpretive themes based on consultation and participation from community organizations and government agencies in the development of the framework

After the development of the framework, TxDOT will propose three interpretation projects for the I-35 corridor that fits with the audiences, themes, and vision of interpretation. TxDOT will choose the interpretation projects with its consulting parties and will consider the cost, any proposed maintenance, and the timeframe for interpretation along the corridor. Interpretation projects may include digital projects, signage on the landscape, or partner projects with other organizations and landscapes.

Questions for consulting parties:

- What do you think about this proposal vs. an interpretive plan?
- What do you think about the geographic parameters of the framework?

This is a little outside of my expertise, but if this is something that the City of Austin believes would be valuable and could serve as a strong foundation on which to build, we would certainly support it. It certainly seems like it would have the most potential for public outreach, which I feel would be very important for a project like this. I would gladly let TxDOT and the City take the lead in helping to develop this framework.



**Justin Kockritz**

Lead Project Reviewer, Federal Programs  
History Programs Division  
P.O. Box 12276, Austin, Texas 78711-2276  
Phone: +1 512 936 7403  
Fax: +1 512 463 5750

[thc.texas.gov](http://thc.texas.gov)



---

**From:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>

**Sent:** Monday, March 20, 2023 11:22 AM

**To:** bobward7@gmail.com; meghan@preservationaustin.org; kalan.contreras@austintexas.gov; harmjava@yahoo.com; j davidkeene@gmail.com; Justin Kockritz <Justin.Kockritz@thc.texas.gov>; kim.mcknight@austintexas.gov; Ricardo.Soliz@austintexas.gov; stacilivesay@gmail.com;

swedehillna@gmail.com; saraz@zlyst.com; thompson@preservationtexas.org;  
jrigdon@waterloogreenway.org; colleen.theriot@norwoodparkfoundation.org; powens@edgeoys.com;  
baccaresproject@gmail.com; leadership@blackleaderscollectiveatx.com; stgeorgeaustin@gmail.com;  
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<Cara.Bertron@austintexas.gov>

**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela  
McMurray-C <AMCMUR-C@txdot.gov>; Rick Mitchell <rick.mitchell@meadhunt.com>; Alex Borger  
<Alex.Borger@meadhunt.com>; Emily Pettis <emily.pettis@meadhunt.com>; Valentine, Shane  
<shane.valentine@hdrinc.com>; Asendorf Hyde, Terri <Terri.Asendorf@hdrinc.com>; Tommy Abrego  
<Tommy.Abrego@txdot.gov>; Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>

**Subject:** TxDOT Project: I-35 CapEx Central Mitigation Proposal

**Importance:** High

**CAUTION:** External Email – This email originated from outside the THC email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning TxDOT I-35 Section 106 Consulting Parties:

We are barreling toward the end of our environmental review process for I-35 CapExpress Central. To that end, one of the remaining pieces of the historic preservation process is the mitigation for the loss of historic properties along the corridor. Below is TxDOT's proposed historic preservation mitigation, with some questions for you. Please respond by **Friday, March 31** with your answers to the questions or any other suggestions for mitigation.

1. **Document all historic buildings proposed for demolition** (EBBC Main Office, Dura Tune Gas Station, Haster House, Roberts House).

Questions for consulting parties:

- Haster House: What documentation do you want to see? We already have an Intensive Survey, is that enough? More photographs?
  - Dura Tune Gas Station: What documentation do you want to see? We have details about it as a gas station, is that enough? More photographs?
  - Roberts House: Should we do an intensive survey for this property? What else should be done on top of this for documentation?
  - Elgin Butler Brick Company Main Office: What documentation do you want to see? Interior, room-by-room documentation? 3D? Laser?
  - Where should the documentation be housed? Austin Historic Center? THC? Both?
2. **Salvage components of the Elgin-Butler Brick Company Main Office.** TxDOT will prepare a salvage plan that will identify what components of the building to salvage and how TxDOT will deconstruct, clean, label, and store the brick associated with the office. TxDOT will provide the plan to consulting parties for their feedback and comments. After salvage, TxDOT will make the bricks available for reuse along the corridor as part of the aesthetics and interpretation of history plan. The bricks may be used by artists in murals or rebuilt on portions of TxDOT ROW to tell the story of the Elgin-Butler Brick Company Main Office. If TxDOT does not use all the salvaged brick, TxDOT will consult with the consulting parties to determine appropriate disposition of the brick.

3. **Write a historic context on Mexican-American history in Austin**, with a geographic focus on the corridor along what is now I-35 from Lady Bird Lake to Airport Boulevard. The historic context will develop a history of Mexican and Mexican-Americans in Austin with a focus on the built environment and cultural landscape. Temporally, the context will cover Mexican-American history from the founding of Austin through the Chicano Civil Rights Movement. The context development will involve community engagement with groups and organizations identified by the consulting parties for invited participation. The goal of the context is to provide a framework for evaluating and listing properties associated with Mexican-American history either as local landmarks or as National Register of Historic Places sites. The context will NOT include any survey work beyond what has already been done for the I-35 CapEx Central project.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters?
- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?
- Do you want suggested registration requirements in the context?
- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?

4. **Write an interpretive framework** for the I-35 corridor from Lady Bird Lake to Airport Boulevard. An interpretive framework will be a resource for organizations and agencies to use to shape their own interpretation along the I-35 corridor that best fits their organization. The framework will be a document that will include

- A vision/unifying statement of interpretation along I-35 corridor
- An overview/data gathering of the studies, interpretation, and organizations that already existing along the I-35 corridor (as defined above)—for instance, this will include the information and plan for the Palm District done by the City of Austin, the Waterloo Conservancy plan and interpretation documents, etc.
- A discussion of the audience or potential audiences for interpretation
- Interpretive themes based on consultation and participation from community organizations and government agencies in the development of the framework

After the development of the framework, TxDOT will propose three interpretation projects for the I-35 corridor that fits with the audiences, themes, and vision of interpretation. TxDOT will choose the interpretation projects with its consulting parties and will consider the cost, any proposed maintenance, and the timeframe for interpretation along the corridor. Interpretation projects may include digital projects, signage on the landscape, or partner projects with other organizations and landscapes.

Questions for consulting parties:

- What do you think about this proposal vs. an interpretive plan?
- What do you think about the geographic parameters of the framework?

**THANK YOU** for your participation in this project and this process. All mitigation commitments will be codified in a legal agreement. If you would like to participate further in the development of that legal agreement, please let me know.

I look forward to hearing from you!

Sincerely,

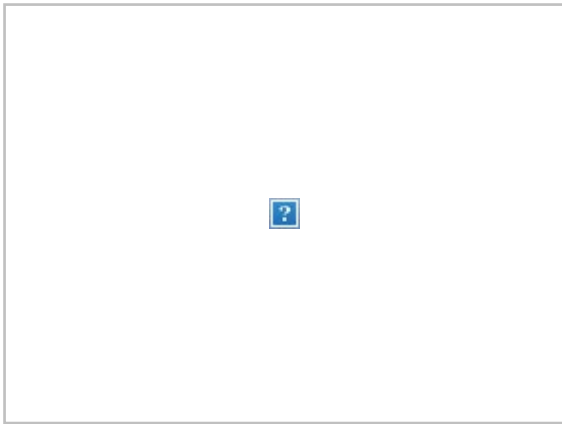
Rebekah Dobrasko



**REBEKAH DOBRASKO**

Environmental Affairs  
Section Director, Cultural  
Resources

O: 512-416-2570  
M: 512-431-3422





**From:** [Rebekah Dobrasko](#)  
**To:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Sonya Hernandez](#)  
**Subject:** Fwd: TxDOT Project: I-35 CapEx Central Mitigation Proposal  
**Date:** Thursday, May 4, 2023 9:38:10 AM

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## Section 106 Mitigation comments email 2 of 4

Sent from [Outlook](#) for iOS

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**From:** Bob Ward <bobward7@gmail.com>  
**Sent:** Thursday, March 30, 2023 4:07:48 PM  
**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Subject:** Re: TxDOT Project: I-35 CapEx Central Mitigation Proposal

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

Very extensive set of questions. I'll try and reply to all.

1.

- Haster House: I believe that the intensive survey should suffice.
- Dura Tune Gas Station: The details should be enough.
- Roberts House: Do you believe an intensive survey is needed?
- Elgin Butler Brick Company Main Office: I believe what you have proposed in #2 should be very good and I can't see needing more.
- The Austin Historic Center is the logical choice.

2. See above bullet point.

3. An historical narrative of Mexican American history for Austin would be fantastic. We are working on documenting Mexican American sites and have funded 4 markers last year and are working on 3 more this year. But markers can only tell a fraction of the story. This year, for example, we are working on a marker for Father Joe Znotas, the Economy Furniture Strike and the Green and White Grocery. We have been working with students from Texas State to help in the research along with interns from Preservation Austin. We would love to partner with TxDot to help put the history together. Gilbert Rivera is the head of our Mexican American Committee and I know that he would like to be involved also. As you know, he was very active in the Chicano Civil Rights Movement along with Father Joe Znotas. As the Travis County Historical Commission, we are active in finding a new purpose for the Palm School also. Let me know how we can be of service.

4.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters? ***The correct blend.***
- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently? ***Follow NPS guidelines.***
- Do you want suggested registration requirements in the context? ***Instead of what?***
- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register? ***If you feel it necessary.***
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion? ***Question for the city. I'm not sure they have the bandwidth at this time.***

4. **Write an interpretive framework** for the I-35 corridor from Lady Bird Lake to Airport Boulevard. An interpretive framework will be a resource for organizations and agencies to use to shape their own interpretation along the I-35 corridor that best fits their organization. The framework will be a document that will include
- A vision/unifying statement of interpretation along I-35 corridor
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After the development of the framework, TxDOT will propose three interpretation projects for the I-35 corridor that fits with the audiences, themes, and vision of interpretation. TxDOT will choose the interpretation projects with its consulting parties and will consider the cost, any proposed maintenance, and the timeframe for interpretation along the corridor. Interpretation projects may include digital projects, signage on the landscape, or partner projects with other organizations and landscapes.

Questions for consulting parties:

- What do you think about this proposal vs. an interpretive plan? ***I like this framework.***
- What do you think about the geographic parameters of the framework? ***That should be a great beginning and could be expanded in the future if needed.***

wrote:

Good morning TxDOT I-35 Section 106 Consulting Parties:

We are barreling toward the end of our environmental review process for I-35 CapExpress Central. To that end, one of the remaining pieces of the historic preservation process is the mitigation for the loss of historic properties along the corridor. Below is TxDOT's proposed historic preservation mitigation, with some questions for you. Please respond by **Friday, March 31** with your answers to the questions or any other suggestions for mitigation.

1. **Document all historic buildings proposed for demolition** (EBBC Main Office, Dura Tune Gas Station, Haster House, Roberts House).

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  3. **Write a historic context on Mexican-American history in Austin**, with a geographic focus on the corridor along what is now I-35 from Lady Bird Lake to Airport Boulevard. The historic context will develop a history of Mexican and Mexican-Americans in Austin with a focus on the built environment and cultural landscape. Temporally, the context will cover Mexican-American history from the founding of Austin through the Chicano Civil Rights Movement. The context

development will involve community engagement with groups and organizations identified by the consulting parties for invited participation. The goal of the context is to provide a framework for evaluating and listing properties associated with Mexican-American history either as local landmarks or as National Register of Historic Places sites. The context will NOT include any survey work beyond what has already been done for the I-35 CapEx Central project.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters?
- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?
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- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?

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  - Interpretive themes based on consultation and participation from community organizations and government agencies in the development of the framework

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Questions for consulting parties:

- What do you think about this proposal vs. an interpretive plan?
- What do you think about the geographic parameters of the framework?

**THANK YOU** for your participation in this project and this process. All mitigation

commitments will be codified in a legal agreement. If you would like to participate further in the development of that legal agreement, please let me know.

I look forward to hearing from you!

Sincerely,

Rebekah Dobrasko



**REBEKAH DOBRASKO**

Environmental Affairs

O: 512-416-2570

Section Director, Cultural

M: 512-431-3422

Resources



**From:** [Rebekah Dobrasko](#)  
**To:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Sonya Hernandez](#)  
**Subject:** Fwd: TxDOT Project: I-35 CapEx Central Mitigation Proposal  
**Date:** Thursday, May 4, 2023 9:41:20 AM  
**Attachments:** [CityofAustin\\_TxDOT\\_I-35-mitigation.pdf](#)

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## Section 106 Mitigation comments email 3 of 4

Sent from [Outlook](#) for iOS

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**From:** Bertron, Cara <Cara.Bertron@austintexas.gov>  
**Sent:** Friday, March 31, 2023 10:26:00 AM  
**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Cc:** Contreras, Kalan <Kalan.Contreras@austintexas.gov>; McKnight, Kim <Kim.McKnight@austintexas.gov>; Marshall, Sarah <Sarah.Marshall@austintexas.gov>; Marx, Michelle <Michelle.Marx@austintexas.gov>; Alvarado, Melissa <Melissa.Alvarado@austintexas.gov>  
**Subject:** RE: TxDOT Project: I-35 CapEx Central Mitigation Proposal

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

Hi Rebekah, I'm attaching combined comments from the City of Austin's Historic Preservation Office (Planning Department), Parks and Recreation Department, and Corridor Program Office. Thanks for the opportunity to provide feedback.

Please let us know if you have any questions. We are requesting clarification on a few points—can you let us know when you expect to respond?

Thanks,  
Cara

Cara Bertron | Senior Planner  
City of Austin | Housing & Planning Department  
512.974.1446 | [www.austintexas.gov/housing](http://www.austintexas.gov/housing)  
[cara.bertron@austintexas.gov](mailto:cara.bertron@austintexas.gov)

---

Per City ordinance, all individuals scheduling or accepting a meeting invitation with City staff are requested to provide responses to the questions at the following link: [bit.ly/HPDLobbyingForm](https://bit.ly/HPDLobbyingForm)

*Please note that all information provided is subject to public disclosure. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQs](#)*

---

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**From:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Sent:** Monday, March 20, 2023 11:22 AM  
**To:** bobward7@gmail.com; megan@preservationaustin.org; Contreras, Kalan <Kalan.Contreras@austintexas.gov>; harmjava@yahoo.com; j davidkeene@gmail.com; Justin Kockritz <justin.kockritz@thc.texas.gov>; McKnight, Kim <Kim.McKnight@austintexas.gov>; Soliz,

Ricardo <Ricardo.Soliz@austintexas.gov>; stacilivesay@gmail.com; swedehillna@gmail.com; saraz@zlyst.com; thompson@preservationtexas.org; jrigdon <jrigdon@waterloogreenway.org>; colleen.theriot@norwoodparkfoundation.org; powens@edgeoys.com; baccaresproject@gmail.com; leadership@blackleaderscollectiveatx.com; stgeorgeaustin@gmail.com; jwalker78722@gmail.com; Marshall, Sarah <Sarah.Marshall@austintexas.gov>; Marx, Michelle <Michelle.Marx@austintexas.gov>; Amy Mcwhorter <Amy.Mcwhorter@traviscountytx.gov>; Bertron, Cara <Cara.Bertron@austintexas.gov>

**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Rick Mitchell <rick.mitchell@meadhunt.com>; Alex Borger <Alex.Borger@meadhunt.com>; Emily Pettis <emily.pettis@meadhunt.com>; Valentine, Shane <shane.valentine@hdrinc.com>; Asendorf Hyde, Terri <terri.asendorf@hdrinc.com>; Tommy Abrego <Tommy.Abrego@txdot.gov>; Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>

**Subject:** TxDOT Project: I-35 CapEx Central Mitigation Proposal

**Importance:** High

\*\*\* External Email - Exercise Caution \*\*\*

Good morning TxDOT I-35 Section 106 Consulting Parties:

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1. **Document all historic buildings proposed for demolition** (EBBC Main Office, Dura Tune Gas Station, Haster House, Roberts House).

Questions for consulting parties:

- Haster House: What documentation do you want to see? We already have an Intensive Survey, is that enough? More photographs?
- Dura Tune Gas Station: What documentation do you want to see? We have details about it as a gas station, is that enough? More photographs?
- Roberts House: Should we do an intensive survey for this property? What else should be done on top of this for documentation?
- Elgin Butler Brick Company Main Office: What documentation do you want to see? Interior, room-by-room documentation? 3D? Laser?
- Where should the documentation be housed? Austin Historic Center? THC? Both?

2. **Salvage components of the Elgin-Butler Brick Company Main Office.** TxDOT will prepare a salvage plan that will identify what components of the building to salvage and how TxDOT will deconstruct, clean, label, and store the brick associated with the office. TxDOT will provide the plan to consulting parties for their feedback and comments. After salvage, TxDOT will make the bricks available for reuse along the corridor as part of the aesthetics and interpretation of history plan. The bricks may be used by artists in murals or rebuilt on

portions of TxDOT ROW to tell the story of the Elgin-Butler Brick Company Main Office. If TxDOT does not use all the salvaged brick, TxDOT will consult with the consulting parties to determine appropriate disposition of the brick.

3. **Write a historic context on Mexican-American history in Austin**, with a geographic focus on the corridor along what is now I-35 from Lady Bird Lake to Airport Boulevard. The historic context will develop a history of Mexican and Mexican-Americans in Austin with a focus on the built environment and cultural landscape. Temporally, the context will cover Mexican-American history from the founding of Austin through the Chicano Civil Rights Movement. The context development will involve community engagement with groups and organizations identified by the consulting parties for invited participation. The goal of the context is to provide a framework for evaluating and listing properties associated with Mexican-American history either as local landmarks or as National Register of Historic Places sites. The context will NOT include any survey work beyond what has already been done for the I-35 CapEx Central project.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters?
- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?
- Do you want suggested registration requirements in the context?
- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?

4. **Write an interpretive framework** for the I-35 corridor from Lady Bird Lake to Airport Boulevard. An interpretive framework will be a resource for organizations and agencies to use to shape their own interpretation along the I-35 corridor that best fits their organization. The framework will be a document that will include

- A vision/unifying statement of interpretation along I-35 corridor
- An overview/data gathering of the studies, interpretation, and organizations that already existing along the I-35 corridor (as defined above)—for instance, this will include the information and plan for the Palm District done by the City of Austin, the Waterloo Conservancy plan and interpretation documents, etc.
- A discussion of the audience or potential audiences for interpretation
- Interpretive themes based on consultation and participation from community organizations and government agencies in the development of the framework

After the development of the framework, TxDOT will propose three interpretation projects for the I-35 corridor that fits with the audiences, themes, and vision of interpretation. TxDOT will choose the interpretation projects with its consulting parties and will consider the cost, any proposed maintenance, and the timeframe for interpretation along the corridor. Interpretation projects may include digital projects, signage on the landscape, or partner projects with other organizations and landscapes.

Questions for consulting parties:



- What do you think about this proposal vs. an interpretive plan?
- What do you think about the geographic parameters of the framework?

**THANK YOU** for your participation in this project and this process. All mitigation commitments will be codified in a legal agreement. If you would like to participate further in the development of that legal agreement, please let me know.

I look forward to hearing from you!

Sincerely,

Rebekah Dobrasko



**REBEKAH DOBRASKO**

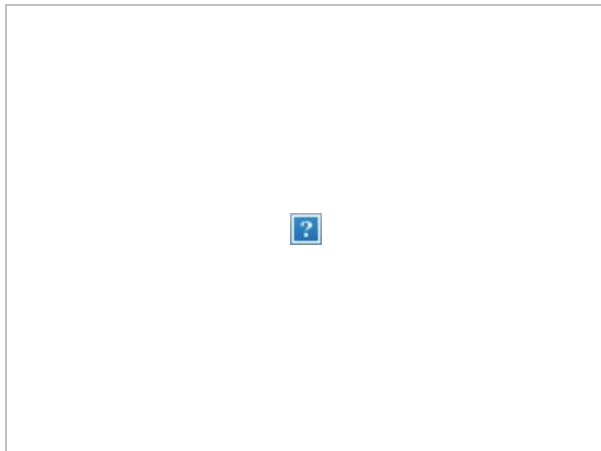
Environmental Affairs

Section Director, Cultural

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# TxDOT Project: I-35 CapEx Central Mitigation Proposal

## City of Austin Comments

3/31/2023

Comments in red are from the City of Austin's Historic Preservation Office (Planning Department), Parks and Recreation Department, and Corridor Program Office. Thanks for the opportunity to provide feedback.

1. **Document all historic buildings proposed for demolition** (EBBC Main Office, Dura Tune Gas Station, Haster House, Roberts House).

- **City of Austin: We request HABS documentation for all historic buildings.**

### Questions for consulting parties:

- Haster House: What documentation do you want to see? We already have an Intensive Survey, is that enough? More photographs?
- Dura Tune Gas Station: What documentation do you want to see? We have details about it as a gas station, is that enough? More photographs?
- Roberts House: Should we do an intensive survey for this property? What else should be done on top of this for documentation?
- Elgin Butler Brick Company Main Office: What documentation do you want to see? Interior, room-by-room documentation? 3D? Laser?
- Where should the documentation be housed? Austin Historic Center? THC? Both?
  - **City: Both**

2. **Salvage components of the Elgin-Butler Brick Company Main Office.** TxDOT will prepare a salvage plan that will identify what components of the building to salvage and how TxDOT will deconstruct, clean, label, and store the brick associated with the office. TxDOT will provide the plan to consulting parties for their feedback and comments. After salvage, TxDOT will make the bricks available for reuse along the corridor as part of the aesthetics and interpretation of history plan. The bricks may be used by artists in murals or rebuilt on portions of TxDOT ROW to tell the story of the Elgin-Butler Brick Company Main Office. If TxDOT does not use all the salvaged brick, TxDOT will consult with the consulting parties to determine appropriate disposition of the brick.

- **City: We would prefer that the building be relocated. Can TxDOT provide more information on why salvage was selected as the preferred option?**

3. **Write a historic context on Mexican American history in Austin**, with a geographic focus on the corridor along what is now I-35 from Lady Bird Lake to Airport Boulevard. The historic context will develop a history of Mexican and Mexican Americans in Austin with a focus on the built environment and cultural landscape. Temporally, the context will cover Mexican American history from the founding of Austin through the Chicano Civil Rights Movement. The context development will involve community engagement with groups and organizations identified by the consulting parties for invited participation. The goal of the context is to provide a framework for evaluating and listing properties associated with Mexican American history as local landmarks, noncontiguous historic districts (if locally enabled in the future), or National Register of Historic Places sites. The context will NOT include any survey work beyond what has already been done for the I-35 CapEx Central project.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters?
    - City: We recommend beginning with early Indigenous communities and extending through the present day, with its myriad challenges and changes.
    - City: The context should include all of Austin if at all possible, especially since the geographic center of the community shifted over time. Construction of the I-35 corridor should be included as a major event, but it should not define the context or restrict the geographic boundaries.
    - City: Include Emma S. Barrientos Mexican American Cultural Center and Advisory Board as a resource
  - What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?
    - City: No strong feelings on format; ensure City of Austin community value criterion is considered when including places important to the context.
  - Do you want suggested registration requirements in the context?
    - City requests clarification: Is registration the same as designation? How would this interact with requirements in City code and the National Register?
  - Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?
    - City: Yes, since Mexican American communities have been heavily impacted by disinvestment and disruptive infrastructure projects like I-35 and the Holly Power Plant. See Robertson/Stuart & Mair Historic District application for an example (but it can/should go beyond that).
  - Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?
    - City: Can TxDOT provide more assistance on what “assist” looks like in each context?
    - City ideas: City HPO staff review scope drafted by TxDOT, briefings at HLC meetings, coordination with Equity-Based Preservation Plan outreach and engagement (tabling at each others’ meetings, cross-referencing on websites, etc.)
4. **Write an interpretive framework** for the I-35 corridor from Lady Bird Lake to Airport Boulevard. An interpretive framework will be a resource for organizations and agencies to use to shape their own interpretation along the I-35 corridor that best fits their organization. The framework will be a document that will include
- A vision/unifying statement of interpretation along I-35 corridor with input from a wide variety of stakeholders
  - An overview/data gathering of the studies, interpretation, and organizations that already exist along the I-35 corridor (as defined above)—for instance, this will include the information and plan for the Palm District done by the City of Austin, the Waterloo Conservancy plan and interpretation documents, etc.
    - i. City: East Austin Historic Resource Survey (2016)
    - ii. City: include Rainey Street NRHP context along and summary of the district’s loss and eventual elimination
  - A discussion of the audience or potential audiences for interpretation

- Interpretive themes based on consultation and participation from community organizations and government agencies in the development of the framework
  - i. City: Include this discussion in preservation plan outreach, if timing aligns
- City: Include options for potential future interpretation (by TxDOT and others): sort of a catalog with good-practice recommendations

After the development of the framework, TxDOT will propose three interpretation projects for the I-35 corridor that fits with the audiences, themes, and vision of interpretation. TxDOT will choose the interpretation projects with its consulting parties and will consider the cost, any proposed maintenance, and the timeframe for interpretation along the corridor. Interpretation projects may include digital projects, signage on the landscape, or partner projects with other organizations and landscapes.

Questions for consulting parties:

- What do you think about this proposal vs. an interpretive plan?
  - City: We'd like to better understand the terminology so we are on same page. Can you provide more information?
- What do you think about the geographic parameters of the framework?
  - City: We recommend extending the parameters to Hwy 71/290/Ben White, especially with the prospect of the cap concept extending south of Lady Bird Lake

**From:** [Rebekah Dobrasko](#)  
**To:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Sonya Hernandez](#)  
**Subject:** Fwd: TxDOT Project: I-35 CapEx Central Mitigation Proposal  
**Date:** Thursday, May 4, 2023 9:39:22 AM  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)

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## Section 106 Mitigation comments email 4 of 4

Sent from [Outlook](#) for iOS

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**From:** Justin Kockritz <Justin.Kockritz@thc.texas.gov>  
**Sent:** Friday, March 31, 2023 1:45:53 PM  
**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>; bobward7@gmail.com <bobward7@gmail.com>; meghan@preservationaustin.org <meghan@preservationaustin.org>; kalan.contreras@austintexas.gov <kalan.contreras@austintexas.gov>; harmjava@yahoo.com <harmjava@yahoo.com>; j davidkeene@gmail.com <jdavidkeene@gmail.com>; kim.mcknight@austintexas.gov <kim.mcknight@austintexas.gov>; Ricardo.Soliz@austintexas.gov <Ricardo.Soliz@austintexas.gov>; stacilivesay@gmail.com <stacilivesay@gmail.com>; swedehillna@gmail.com <swedehillna@gmail.com>; saraz@zlyst.com <saraz@zlyst.com>; thompson@preservationtexas.org <thompson@preservationtexas.org>; jrigdon@waterloogreenway.org <jrigdon@waterloogreenway.org>; colleen.theriot@norwoodparkfoundation.org <colleen.theriot@norwoodparkfoundation.org>; powens@edgeoys.com <powens@edgeoys.com>; baccaresproject@gmail.com <baccaresproject@gmail.com>; leadership@blackleaderscollectiveatx.com <leadership@blackleaderscollectiveatx.com>; stgeorgeaustin@gmail.com <stgeorgeaustin@gmail.com>; jwalker78722@gmail.com <jwalker78722@gmail.com>; Marshall, Sarah <Sarah.Marshall@austintexas.gov>; Marx, Michelle <Michelle.Marx@austintexas.gov>; Amy Mcwhorter <Amy.Mcwhorter@traviscountytx.gov>; Bertron, Cara <Cara.Bertron@austintexas.gov>  
**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Rick Mitchell <rick.mitchell@meadhunt.com>; Alex Borger <Alex.Borger@meadhunt.com>; Emily Pettis <emily.pettis@meadhunt.com>; Valentine, Shane <shane.valentine@hdrinc.com>; Asendorf Hyde, Terri <Terri.Asendorf@hdrinc.com>; Tommy Abrego <Tommy.Abrego@txdot.gov>; Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Subject:** RE: TxDOT Project: I-35 CapEx Central Mitigation Proposal

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Hi again,

Just wanted to follow-up after I had a chance to discuss the Mexican and Mexican American historic context idea with Greg Smith, our National Register Coordinator.

Whichever way this item goes, it would be a big undertaking, but could produce some really great research and could provide a wide array of benefits. Development of a National Register Multiple Property Documentation Form (MPDF) cover document could aid with the designation of local landmarks for preservation, the preparation of National Register nominations—which then in turn can support historic

rehabilitation tax credits for income-producing properties, and future interpretive planning as well.

What does the body of existing scholarly work look like regarding the settlement and development of East Austin, especially related to patterns of Mexicans and Mexican Americans? Understanding those development patterns over time, up to the present or at least near-present, would be an essential first step. If there is a sufficient body of existing research, we may be able to begin with a literature review and develop an analysis of the settlement patterns, then use those to refine the scope of an MPDF. If there is not a sufficient body of existing research, perhaps starting with the development of a more in-depth historic context would be the most appropriate first step and mitigation measure.

We certainly understand the focus on the area between Interstate 35, Airport Boulevard, and Lady Bird Lake, but that is a pretty huge area covering a wide variety of neighborhoods, subdivisions, developments, and land use. There is not likely to be a single through line for the history of the whole area. Perhaps after a literature review, and through consultation with the other parties here, the scope—geographic, land use, or resource type—could be further narrowed and refined into something manageable.

There is an existing MPDF on the [Historic Resources of East Austin](#) (a list of the [individual properties listed under that MPDF cover document](#) is also available), but it is dated by now, has almost no discussion related to Mexican and Mexican American heritage, and its discussion of historic themes is pretty cursory. There is also the recent [East Austin Historic Survey](#) that the City prepared. Obviously, we would want to expand and build on anything contained in that project and avoid duplicating their efforts.

To address some of your specific questions about the item:

- What do you think about the geographic and temporal parameters?  
This is a good starting point but it may need to be scaled back eventually. There may need to be other areas discussed (at least in a general way) as well, especially areas of Mexican and Mexican American settlement in Austin prior to the 1928 Koch and Fowler plan, such as along Shoal Creek.
- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?  
I think an MPDF could have a lot of practical applications for future nomination and designation of historic properties and districts in the area. THC's National Register program staff is available for guidance on the development of an MPDF. However, depending on the existing research that is available, we may need to start with a more general historic context and analysis instead.
- Do you want suggested registration requirements in the context?  
Yes, if we go the MPDF route. This would be key for future local landmark designation or National Register nomination.
- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?  
Yes, if we go the MPDF route. This would be good to discuss further with the THC National Register program staff once we have a better handle of the project scope.
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?  
THC National Register program staff would be available for discussions about the scope, the

development of the historic contexts, identification of associated property types, and registration development.

Thank you again, Rebekah, for putting this initial proposal together. I look forward to seeing what everyone else thinks. Ultimately, we would love to see mitigation measures that provide a tangible benefit to the public and I think these proposals are a great start in the right direction.

## Justin Kockritz

---

**From:** Justin Kockritz <Justin.Kockritz@thc.texas.gov>  
**Sent:** Thursday, March 30, 2023 4:04 PM  
**To:** Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>; bobward7@gmail.com; megan@preservationaustin.org; kalan.contreras@austintexas.gov; harmjava@yahoo.com; jdavidkeene@gmail.com; kim.mcknight@austintexas.gov; Ricardo.Soliz@austintexas.gov; stacilivesay@gmail.com; swedehillna@gmail.com; saraz@zlyst.com; thompson@preservationtexas.org; jrigdon@waterloogreenway.org; colleen.theriot@norwoodparkfoundation.org; powens@edgeoys.com; baccaresproject@gmail.com; leadership@blackleaderscollectiveatx.com; stgeorgeaustin@gmail.com; jwalker78722@gmail.com; Marshall, Sarah <Sarah.Marshall@austintexas.gov>; Marx, Michelle <Michelle.Marx@austintexas.gov>; Amy Mcwhorter <Amy.Mcwhorter@traviscountytx.gov>; Bertron, Cara <Cara.Bertron@austintexas.gov>  
**Cc:** Sonya Hernandez <Sonya.Hernandez@txdot.gov>; Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>; Angela McMurray-C <AMCMUR-C@txdot.gov>; Rick Mitchell <rick.mitchell@meadhunt.com>; Alex Borger <Alex.Borger@meadhunt.com>; Emily Pettis <emily.pettis@meadhunt.com>; Valentine, Shane <shane.valentine@hdrinc.com>; Asendorf Hyde, Terri <Terri.Asendorf@hdrinc.com>; Tommy Abrego <Tommy.Abrego@txdot.gov>; Rebekah Dobrasko <Rebekah.Dobrasko@txdot.gov>  
**Subject:** RE: TxDOT Project: I-35 CapEx Central Mitigation Proposal

Hi all,

Thank you, Rebekah, for putting these mitigation proposals together and for your work for meeting with the consulting parties in recent months. I have some preliminary comments for three of the four proposals in red below. I will have a follow-up tomorrow with some comments about the historic context project.

I would certainly love to hear from the other consulting parties as well if these proposals are on the right track or if there are other ideas that should be considered.

One other item that I would like to see explored would be the potential to relocate the Haster House and the Roberts House and make them available for housing. Could the houses be made available to a non-profit organization (such as an area community development corporation) and then TxDOT's estimated costs for the demolition are applied towards relocation instead? I realize there would be a lot of moving parts for something like that, and I could support a "drop dead" date to move forward with demolition if a suitable owner and location are not found (or if this is otherwise unfeasible), but if there will be time before construction activities start at these locations, maybe that would be enough to figure out all of the details? Perhaps the City of Austin or Preservation Austin staff have some experience with something like that? I know that we have done things like this for historic bridges in the past, but has TxDOT relocated buildings as part of project commitments before? I can find some language that THC has used for other projects where buildings are relocated as part of a Section 106 project.

If you have any questions about our comments, or if we should have a consulting party meeting to discuss, please let us know.

1. **Document all historic buildings proposed for demolition** (EBBC Main Office, Dura Tune Gas Station, Haster House, Roberts House).

Questions for consulting parties:

- Haster House: What documentation do you want to see? We already have an Intensive Survey, is that enough? More photographs?

The Intensive Survey seems sufficient as far as the history of the property and the exterior photographs seem comprehensive. Are there any additional interior photographs available or that could be taken once TxDOT acquires the property? Ideally, I would also want a sketch site plan and floorplan with photo key.

I would recommend:

- 1) Submitting full-page color prints of the photographs on archival paper and high-quality digital photographs (preferably in TIFF format, but JPEG would be acceptable) to THC.
- 2) Offering hardcopy and/or digital copies of the Intensive Survey, copies of the printed archival-quality photographs, and copies of the digital photographs to the Austin History Center and the City of Austin Historic Preservation Office, who could then choose what, if any, of those materials they wish to acquire.
- 3) Offering digital copies of the Intensive Survey and digital photographs to the other consulting parties.

- Dura Tune Gas Station: What documentation do you want to see? We have details about it as a gas station, is that enough? More photographs?

The Reconnaissance Survey seems sufficient as far as the history of the property. I do not think additional photographs are necessary (or particularly useful given its current condition), but are there any additional photographs of the property available from the survey work?

I would recommend:

- 1) Repackaging the material from the Reconnaissance Survey (including the photographs, site forms, and relevant maps of the National Register boundary) and full-page color prints of the photographs on archival paper and submitting that to THC.
- 2) Offering that same package in hardcopy and/or digital formats to the Austin History Center and City of Austin Historic Preservation Office, who could then choose what, if any, of those materials they wish to acquire.
- 3) Offering digital copies of that same package to other consulting parties.

- Roberts House: Should we do an intensive survey for this property? What else should be done on top of this for documentation?

The Reconnaissance Survey seems sufficient as far as the history of the property. Are



there any interior photographs available or that could be taken once TxDOT acquires the property? Ideally, I would want also a sketch site plan and floorplan with photo key.

I would recommend:

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  - 2) Offering that same package in hardcopy and/or digital formats to the Austin History Center and City of Austin Historic Preservation Office, who could then choose what, if any, of those materials they wish to acquire.
  - 3) Offering digital copies of that same package to other consulting parties.
- Elgin Butler Brick Company Main Office: What documentation do you want to see? Interior, room-by-room documentation? 3D? Laser?

The Intensive Survey seems sufficient as far as the history of the property and the exterior photographs seem comprehensive. Laser scanning or developing a digital 3-D model is interesting, but since so much of the unique character of the building lies in its specific materials, I wonder if thorough high-quality photographs would provide the best documentation? I, admittedly, do not have experience with laser scans for a resource like this.

I would like to see a modified Historic American Building Survey (HABS) documentation package with sketch site plans and floor plans, a photo key, and two photographs of each major interior space. We have not done much in the way of full HABS documentation, so I would think digital photographs could be substituted instead of actual film. The documentation would not be required to submit to the Library of Congress.

Then,

- 1) Submitting full-page color prints of the photographs on archival paper and high-quality digital photographs (preferably in TIFF format, but JPEG would be acceptable) to THC.
  - 2) Offering hardcopy and/or digital copies of the Intensive Survey, copies of the printed archival-quality photographs, and copies of the digital photographs to the Austin History Center and the City of Austin Historic Preservation Office, who could then choose what, if any, of those materials they wish to acquire.
  - 3) Offering digital copies of the Intensive Survey and digital photographs to the other consulting parties.
- Where should the documentation be housed? Austin Historic Center? THC? Both?

See above.

2. **Salvage components of the Elgin-Butler Brick Company Main Office.** TxDOT will prepare a salvage plan that will identify what components of the building to salvage and how TxDOT will deconstruct, clean, label, and store the brick associated with the office. TxDOT will provide the

plan to consulting parties for their feedback and comments. After salvage, TxDOT will make the bricks available for reuse along the corridor as part of the aesthetics and interpretation of history plan. The bricks may be used by artists in murals or rebuilt on portions of TxDOT ROW to tell the story of the Elgin-Butler Brick Company Main Office. If TxDOT does not use all the salvaged brick, TxDOT will consult with the consulting parties to determine appropriate disposition of the brick.

Yes, I like this idea to salvage the and reuse these unique materials and incorporating them into the aesthetic treatment plan. Would it be possible to learn a bit more about that process? I would think that the Section 106 mitigation would be the salvage and *commitment* to reuse materials, but that we would not need to get into the specific designs.

If we do this, I would also like to see some sort of small interpretive sign near where the materials have been reused to explain where they came from and why they were salvaged.

3. **Write a historic context on Mexican-American history in Austin**, with a geographic focus on the corridor along what is now I-35 from Lady Bird Lake to Airport Boulevard. The historic context will develop a history of Mexican and Mexican-Americans in Austin with a focus on the built environment and cultural landscape. Temporally, the context will cover Mexican-American history from the founding of Austin through the Chicano Civil Rights Movement. The context development will involve community engagement with groups and organizations identified by the consulting parties for invited participation. The goal of the context is to provide a framework for evaluating and listing properties associated with Mexican-American history either as local landmarks or as National Register of Historic Places sites. The context will NOT include any survey work beyond what has already been done for the I-35 CapEx Central project.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters?
- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?
- Do you want suggested registration requirements in the context?
- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?

I have a meeting to discuss this with Greg Smith, the THC National Register Coordinator on Friday. I will have THC comments on this Friday after that meeting.

4. **Write an interpretive framework** for the I-35 corridor from Lady Bird Lake to Airport Boulevard. An interpretive framework will be a resource for organizations and agencies to use to shape their own interpretation along the I-35 corridor that best fits their organization. The framework will be a document that will include
  - A vision/unifying statement of interpretation along I-35 corridor
  - An overview/data gathering of the studies, interpretation, and organizations that already existing along the I-35 corridor (as defined above)—for instance, this will include the

information and plan for the Palm District done by the City of Austin, the Waterloo Conservancy plan and interpretation documents, etc.

- A discussion of the audience or potential audiences for interpretation
- Interpretive themes based on consultation and participation from community organizations and government agencies in the development of the framework

After the development of the framework, TxDOT will propose three interpretation projects for the I-35 corridor that fits with the audiences, themes, and vision of interpretation. TxDOT will choose the interpretation projects with its consulting parties and will consider the cost, any proposed maintenance, and the timeframe for interpretation along the corridor. Interpretation projects may include digital projects, signage on the landscape, or partner projects with other organizations and landscapes.

Questions for consulting parties:

- What do you think about this proposal vs. an interpretive plan?
- What do you think about the geographic parameters of the framework?

This is a little outside of my expertise, but if this is something that the City of Austin believes would be valuable and could serve as a strong foundation on which to build, we would certainly support it. It certainly seems like it would have the most potential for public outreach, which I feel would be very important for a project like this. I would gladly let TxDOT and the City take the lead in helping to develop this framework.



### Justin Kockritz

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**From:** Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>

**Sent:** Monday, March 20, 2023 11:22 AM

**To:** [bobward7@gmail.com](mailto:bobward7@gmail.com); [meghan@preservationaustin.org](mailto:meghan@preservationaustin.org); [kalan.contreras@austintexas.gov](mailto:kalan.contreras@austintexas.gov); [harmjava@yahoo.com](mailto:harmjava@yahoo.com); [j davidkeene@gmail.com](mailto:j davidkeene@gmail.com); Justin Kockritz <[Justin.Kockritz@thc.texas.gov](mailto:Justin.Kockritz@thc.texas.gov)>; [kim.mcknight@austintexas.gov](mailto:kim.mcknight@austintexas.gov); [Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov); [stacilivesay@gmail.com](mailto:stacilivesay@gmail.com); [swedehillna@gmail.com](mailto:swedehillna@gmail.com); [saraz@zlyst.com](mailto:saraz@zlyst.com); [thompson@preservationtexas.org](mailto:thompson@preservationtexas.org); [jrigdon@waterloogreenway.org](mailto:jrigdon@waterloogreenway.org); [colleen.theriot@norwoodparkfoundation.org](mailto:colleen.theriot@norwoodparkfoundation.org); [powens@edgeoys.com](mailto:powens@edgeoys.com); [baccaresproject@gmail.com](mailto:baccaresproject@gmail.com); [leadership@blackleaderscollectiveatx.com](mailto:leadership@blackleaderscollectiveatx.com); [stgeorgeaustin@gmail.com](mailto:stgeorgeaustin@gmail.com); [jwalker78722@gmail.com](mailto:jwalker78722@gmail.com); Marshall, Sarah <[Sarah.Marshall@austintexas.gov](mailto:Sarah.Marshall@austintexas.gov)>; Marx, Michelle <[Michelle.Marx@austintexas.gov](mailto:Michelle.Marx@austintexas.gov)>; Amy Mcwhorter <[Amy.Mcwhorter@traviscountytexas.gov](mailto:Amy.Mcwhorter@traviscountytexas.gov)>; Bertron, Cara <[Cara.Bertron@austintexas.gov](mailto:Cara.Bertron@austintexas.gov)>

**Cc:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>; Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Angela McMurray-C <[AMCMUR-C@txdot.gov](mailto:AMCMUR-C@txdot.gov)>; Rick Mitchell <[rick.mitchell@meadhunt.com](mailto:rick.mitchell@meadhunt.com)>; Alex Borger <[Alex.Borger@meadhunt.com](mailto:Alex.Borger@meadhunt.com)>; Emily Pettis <[emily.pettis@meadhunt.com](mailto:emily.pettis@meadhunt.com)>; Valentine, Shane <[shane.valentine@hdrinc.com](mailto:shane.valentine@hdrinc.com)>; Asendorf Hyde, Terri <[Terri.Asendorf@hdrinc.com](mailto:Terri.Asendorf@hdrinc.com)>; Tommy Abrego <[Tommy.Abrego@txdot.gov](mailto:Tommy.Abrego@txdot.gov)>; Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>

**Subject:** TxDOT Project: I-35 CapEx Central Mitigation Proposal

**Importance:** High

**CAUTION:** External Email – This email originated from outside the THC email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning TxDOT I-35 Section 106 Consulting Parties:

We are barreling toward the end of our environmental review process for I-35 CapExpress Central. To that end, one of the remaining pieces of the historic preservation process is the mitigation for the loss of historic properties along the corridor. Below is TxDOT's proposed historic preservation mitigation, with some questions for you. Please respond by **Friday, March 31** with your answers to the questions or any other suggestions for mitigation.

1. **Document all historic buildings proposed for demolition** (EBBC Main Office, Dura Tune Gas Station, Haster House, Roberts House).

Questions for consulting parties:

- Haster House: What documentation do you want to see? We already have an Intensive Survey, is that enough? More photographs?
  - Dura Tune Gas Station: What documentation do you want to see? We have details about it as a gas station, is that enough? More photographs?
  - Roberts House: Should we do an intensive survey for this property? What else should be done on top of this for documentation?
  - Elgin Butler Brick Company Main Office: What documentation do you want to see? Interior, room-by-room documentation? 3D? Laser?
  - Where should the documentation be housed? Austin Historic Center? THC? Both?
2. **Salvage components of the Elgin-Butler Brick Company Main Office.** TxDOT will prepare a salvage plan that will identify what components of the building to salvage and how TxDOT will deconstruct, clean, label, and store the brick associated with the office. TxDOT will provide the plan to consulting parties for their feedback and comments. After salvage, TxDOT will make the bricks available for reuse along the corridor as part of the aesthetics and interpretation of history plan. The bricks may be used by artists in murals or rebuilt on portions of TxDOT ROW to tell the story of the Elgin-Butler Brick Company Main Office. If TxDOT does not use all the salvaged brick, TxDOT will consult with the consulting parties to determine appropriate disposition of the brick.
  3. **Write a historic context on Mexican-American history in Austin,** with a geographic focus on the corridor along what is now I-35 from Lady Bird Lake to Airport Boulevard. The historic context will develop a history of Mexican and Mexican-Americans in Austin with a focus on the built environment and cultural landscape. Temporally, the context will cover Mexican-American history from the founding of Austin through the Chicano Civil Rights Movement. The context development will involve community engagement with groups and organizations identified by the consulting parties for invited participation. The goal of the context is to provide a framework for evaluating and listing properties associated with Mexican-American history either as local landmarks or as National Register of Historic Places sites. The context will NOT include any survey work beyond what has already been done for the I-35 CapEx Central project.

Questions for consulting parties:

- What do you think about the geographic and temporal parameters?

- What format should this context take? Should it follow the NPS guidance on historic contexts (i.e. the Multiple Property Documentation form)? Should it follow contexts similar to what the City of Austin has produced recently?
- Do you want suggested registration requirements in the context?
- Should there be an integrity discussion, especially around the scholarship surrounding underrepresented historic places in the National Register?
- Can the City of Austin commit to assist TxDOT and its consultants on the development of the scope for this project as well as the community engagement portion?

4. **Write an interpretive framework** for the I-35 corridor from Lady Bird Lake to Airport Boulevard. An interpretive framework will be a resource for organizations and agencies to use to shape their own interpretation along the I-35 corridor that best fits their organization. The framework will be a document that will include

- A vision/unifying statement of interpretation along I-35 corridor
- An overview/data gathering of the studies, interpretation, and organizations that already existing along the I-35 corridor (as defined above)—for instance, this will include the information and plan for the Palm District done by the City of Austin, the Waterloo Conservancy plan and interpretation documents, etc.
- A discussion of the audience or potential audiences for interpretation
- Interpretive themes based on consultation and participation from community organizations and government agencies in the development of the framework

After the development of the framework, TxDOT will propose three interpretation projects for the I-35 corridor that fits with the audiences, themes, and vision of interpretation. TxDOT will choose the interpretation projects with its consulting parties and will consider the cost, any proposed maintenance, and the timeframe for interpretation along the corridor. Interpretation projects may include digital projects, signage on the landscape, or partner projects with other organizations and landscapes.

Questions for consulting parties:

- What do you think about this proposal vs. an interpretive plan?
- What do you think about the geographic parameters of the framework?

**THANK YOU** for your participation in this project and this process. All mitigation commitments will be codified in a legal agreement. If you would like to participate further in the development of that legal agreement, please let me know.

I look forward to hearing from you!

Sincerely,

Rebekah Dobrasko



**REBEKAH DOBRASKO**

Environmental Affairs

O: 512-416-2570

Section Director, Cultural

M: 512-431-3422

Resources

**From:** [Justin Kockritz](#)  
**To:** [Rebekah Dobrasko](#)  
**Subject:** RE: IAC and I-35 Mitigation  
**Date:** Thursday, May 4, 2023 10:34:09 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
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Hi Rebekah,

Hope that your travels are going well!

- IAC: I am hunting down the last pieces from the Brads—both the archeology component and the Real Places sponsorship. I’ve have asked (again) for them to provide me their info by the end of the week.
- I-35: That is very disappointing to hear about the consideration of relocating the two historic houses and I am not quite ready to drop that so easily. I would be interested in perhaps hearing from FHWA if this is a case where the disposal of the buildings as surplus property could be approved at less than fair market value for “social, environmental, or economic purposes” [[23 C.F.R. § 710.403\(d\)\(1\)](#)], or hearing from the ACHP if they have seen similar cases elsewhere. I would also be curious to see how this might fit under “all possible planning to minimize harm.” Certainly, if the City is able and interested to act as an intermediary, and if they would have more flexibility over the transfer/disposal of the buildings, that would be a great outcome. Of course, I do not want to assume anything on their behalf though. That may be a conversation to start with Kalan Contreras at the City, but would surely involve other departments.

I would be free Tuesday afternoon, or anytime Thursday or Friday next week if we should discuss.

Thanks



**Justin Kockritz**

Lead Project Reviewer, Federal Programs  
History Programs Division  
P.O. Box 12276, Austin, Texas 78711-2276  
Phone: +1 512 936 7403  
Fax: +1 512 463 5750



---

**From:** Rebekah Dobrasko <[Rebekah.Dobrasko@txdot.gov](mailto:Rebekah.Dobrasko@txdot.gov)>

**Sent:** Wednesday, May 3, 2023 3:58 PM  
**To:** Justin Kockritz <Justin.Kockritz@thc.texas.gov>  
**Subject:** IAC and I-35 Mitigation

**CAUTION:** External Email – This email originated from outside the THC email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Justin,

I have a couple of things for you. I'm happy to talk about these if you like, but I'm on the road this week with Laura Casey and Emily Hermans with the tribal museums workshops!

1. What's the status of the draft IAC requests from the THC?
2. I-35 Mitigation and the request to consider moving the Haster House and Roberts House: TxDOT, on advice of our administration and our attorneys, is not inclined to pursue moving these two properties. We have significant concerns about the ability to acquiring and then selling land to and from private owners, as well as what exactly demonstrates a "good faith effort" for trying to find new owners of the properties. I didn't know if you thought maybe the City of Austin would be interested in acquiring these properties, whether or not you've talked to Elizabeth Brummett about her perspective from the city, or anything else that I can bring to administration and the lawyers. Otherwise, TxDOT will not be pursuing this option for mitigation any further. I wanted to give you a heads up before I sent out our responses on the mitigation to the rest of the consulting parties to see if you had any suggestions or solutions you can give us.

I will be in a workshop tomorrow with questionable access to the internet/cell phones, but we can talk on Friday morning or on Tuesday when I'm back in the office if you'd like to discuss this further.

Thanks!

Rebekah



**REBEKAH DOBRASKO**

Environmental Affairs  
Section Director, Cultural  
Resources

O: 512-416-2570  
M: 512-431-3422



## Historic SHPO/THC/Consulting Parties/ACHP – SHPO Eligibility Concurrence



November 30, 2022

Rebekah Dobrasko  
Texas Department of Transportation  
125 East 11<sup>th</sup> Street  
Austin, Texas 78701-2483

Re: *Project Review Under Section 106 of the National Historic Preservation Act, Interstate 35 Capital Express Central, Non-Archeological Determinations of Eligibility, Austin, Travis County (TxDOT/106, CSJ 0015-13-388, THC #202302236)*

Ms. Dobrasko:

Thank you for your correspondence of November 10, 2022, regarding the above-referenced project and transmitting the Historic Resources Survey Report (HRSR, including the Reconnaissance-Level Survey, East Cesar Chavez Street Reconnaissance-Level Addendum, and eight property-specific Intensive-Level Surveys) prepared by Mead & Hunt, Inc., on behalf of the Texas Department of Transportation (TxDOT). This letter serves as comment on the proposed undertaking regarding non-archeological historic resources from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). All consultation regarding archeological resources will be coordinated separately.

For the purposes of compliance with Section 106 of the National Historic Preservation Act, THC *concur*s that the individual properties and districts summarized in your letter are listed in, or eligible for listing in, the National Register of Historic Places. THC also concurs with the evaluation of contributing/non-contributing resources to historic districts contained in the Tabular Inventories of the HRSR. Finally, based on all available information, THC also concurs that the remaining properties within the project's Area of Potential Effect (APE) are *not* eligible for listing in the National Register at this time.

Unless an unanticipated discovery of additional historic-age properties is made, or the project's APE changes, no further identification and evaluation of non-archeological historic properties is expected. For clarity, we offer the following minor comments on the summary of historic properties in your letter and the HRSR:

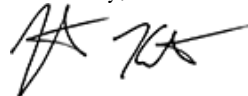
- The Wilshire Wood Historic District includes resources #165–178, excluding #168 and #174;
- The East 2<sup>nd</sup> and 3<sup>rd</sup> Streets Historic District includes resources #406–413, excluding #408–409;
- The address of resource #399A should be 606 East 3<sup>rd</sup> Street; and,
- On page 180 of the Reconnaissance-Level Survey, to account for all of the contributing resources to Palm Park, the section heading should be “Resources 404A–E: 200 North I-35 (Palm Park);” the list of contributing resources is correct in your letter and elsewhere in the HRSR.

While THC agrees with the preliminary findings of effect summarized in your letter, we look forward to further consultation regarding the final findings as design plans are refined, technical studies are prepared,

and the project programmatic agreement is developed. We also look forward to reviewing the Section 4(f) evaluations, when available.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review, or if we can be of further assistance, please contact Justin Kockritz at 512-936-7403 or [justin.kockritz@thc.texas.gov](mailto:justin.kockritz@thc.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'JK' with a stylized flourish.

Justin Kockritz, Lead Project Reviewer, Federal Programs  
For: Mark Wolfe, State Historic Preservation Officer



P.O. Box 12276  
Austin, Texas 78711-2276  
512-463-6100  
thc.texas.gov

June 29, 2023

Rebekah Dobrasko  
Texas Department of Transportation  
125 East 11<sup>th</sup> Street  
Austin, Texas 78701-2483

Re: *Project Review Under Section 106 of the National Historic Preservation Act, Interstate 35 Capital Express Central, Austin, Travis County (106/TxDOT, CSJ 0015-13-388, THC #202309127)*

Ms. Dobrasko:

Thank you for your correspondence of June 8, 2023, regarding the above-referenced project, which proposes the reconstruction of Interstate 35 through central Austin. This letter serves as comment on the proposed undertaking regarding non-archeological historic resources from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). All consultation regarding archeological resources will be coordinated separately.

#### Determinations of Eligibility (East César Chavez Street Addendum)

For the purposes of compliance with Section 106 of the National Historic Preservation Act, THC concurs with your determinations that the following properties evaluated in the Historic Resources Survey Report (HRSR) Addendum for the planned East César Chavez Street drainage tunnel and outfall are eligible for listing in the National Register of Historic Places and that their proposed boundaries are appropriate:

- Joe Bland Construction Company (4704 East César Chavez Street, Resource #1172)—Criterion A for military history at the local level of significance;
- Capitol Truck & Trailer Company (4822 East César Chavez Street, #1173)—Criterion A for industry and Criterion C for its architecture at the local level of significance; and,
- Capitol Machine Works (4824 East César Chavez Street, #1174)—Criterion A for industry and Criterion C for its architecture at the local level of significance.

THC also concurs that based on all available information, the remaining eleven (11) properties evaluated in the HRSR Addendum are *not* eligible for listing in the National Register.

Finally, THC concurs that based on additional information and input from consulting parties that, for purposes of this project, treating the Palm School (109 Sabine Street/700 East César Chavez Street, #408) as eligible for listing in the National Register is appropriate. However, should the project plans change, additional evaluation of the school may be necessary.

#### Findings of Effect (Overall)

THC concurs with your findings that the project (Modified Alternative 3) as proposed will have an adverse effect on the following historic properties, each of which are proposed to be acquired and demolished as part of the project:

- Elgin-Butler Brick Company Main Office (4000 North Interstate 35, #179);
- Dura-Tune Gas Station (3810 North Interstate 35, #200);
- Robert and Rose Roberts House (3509 North Interstate 35, #235A-B); and,
- Alfred and Jacqueline Haster House (3009 North Interstate 35, #295).

THC concurs that by implementing the proposed avoidance measures and minimization efforts no other adverse effects to historic properties are anticipated.

#### Resolution of Adverse Effects

THC concurs that the five key mitigation measures proposed in your letter appear to be appropriate for, and commensurate with, the anticipated adverse effects to historic properties. We look forward to further consultation with you and the consulting parties to finalize the project programmatic agreement, which will further develop these mitigation measures, adopt the planned avoidance measures and minimization efforts, plan for potential unanticipated discoveries, and establish a consultation process for any future project modifications.

#### Section 4(f) Individual Evaluations

As the Official with Jurisdiction for historic properties under Section 4(f) of the Department of Transportation Act, THC has no comments on your findings that 1) there are no feasible and prudent avoidance alternatives to the use of land from the historic sites; 2) the preferred alternative, Modified Alternative 3, is the alternative that causes the least overall harm to the historic sites; and, 3) the preferred alternative includes all possible planning to minimize harm to the historic sites resulting from such use, including the proposed mitigation.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review please contact Justin Kockritz at [justin.kockritz@thc.texas.gov](mailto:justin.kockritz@thc.texas.gov) or 512-936-7403.

Sincerely,



Justin Kockritz, Lead Project Reviewer, Federal Programs  
For: Mark Wolfe, State Historic Preservation Officer

Historic SHPO/THC/Consulting Parties/ACHP – ACHP Letter



November 28, 2022

Ms. Rebekah Dobrasko  
Historic Preservation Specialist  
Texas Department of Transportation  
125 East 11th Street  
Austin, TX 78701

Ref: *I-35 Capital Express Central Project from US 290 East to US 290 West/State Highway 71  
Austin, Travis County, Texas  
CSJ: 0015-13-388  
ACHP Project Number: 018966*

Dear Ms. Dobrasko:

On November 18, 2022, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the Texas State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to 36 CFR § 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Texas SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the NHPA.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Ms. Emily Choi at (202) 517- 0207 or by e-mail at [echoi@achp.gov](mailto:echoi@achp.gov) and reference the ACHP Project Number above.

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

## Section 4(f) Coordination – Officials with Jurisdiction

**From:** [Sonya Hernandez](#)  
**To:** [rebecca\\_collins@ios.doi.gov](mailto:rebecca_collins@ios.doi.gov); [environmental\\_review@ios.doi.gov](mailto:environmental_review@ios.doi.gov)  
**Cc:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Scott Ford](#); [Patrick Lee](#); [Valentine, Shane](#); [Lindsey Kimmitt](#); [Tommy Abrego](#)  
**Subject:** I-35 Capital Express Central Project - Draft EIS and Individual Section 4(f)  
**Attachments:** [DeptofInterior\\_Rebecca\\_Email\\_20230307\\_ER-23-006\\_I35\\_Capital\\_Express\\_Central\\_Project\\_DOI\\_Comment\\_Ltr.pdf](#)

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Good afternoon,

On December 29, 2022, TxDOT circulated a combined notice of availability and public hearing for the I-35 Capital Express Central Draft EIS, which included an Individual Section 4(f) analysis. The official agency and public review and comment period began on January 5, 2023 and concluded on March 7, 2023.

By letter dated March 7, 2023 (attached) the Department of Interior (DOI) indicated that DOI reviewed the DEIS. DOI's March 7, 2023 letter did not indicate any comments on the individual 4(f) evaluation.

We just wanted to circle back to confirm that DOI does not have any comments on the individual Section 4(f). Please let us know if DOI had any comments on the Individual Section 4(f) evaluation.

Please feel free to reach out if you have any questions.

Thank you,

Sonya Hernandez

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096





# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
1001 Indian School Road NW, Suite 348  
Albuquerque, New Mexico 87104

Electronic Submittal Only  
ER 23/0006

March 7, 2023

Doug Booher  
Director of Environmental Affairs  
Texas Department of Transportation  
125 East 11<sup>th</sup> Street  
Austin, TX 78701

Subject: Comments on the I-35 Capital Express Central Project, Travis County, Texas,  
Draft Environmental Impact Statement

Dear Mr. Booher:

The Department of the Interior (Department) has reviewed the I-35 Capital Express Central Project Draft Environmental Impact Statement (DEIS). We understand the purpose and need of this project is to adequately accommodate the current and future travel demand between the US 290 East and the US 290 West/State Highway 71 corridor and meet the current federal and state design standards. This project would improve the corridor by enhancing safety, addressing demand by prioritizing the movement of people, goods, and services, improving operational efficiency, and creating a more dependable and consistent route for the traveling public, including people who walk and bicycle, emergency responders, and transit. The alternatives analyzed in the DEIS consist of the No Build Alternative, the Build Alternative 2, and the Modified Build Alternative 3. The Modified Build Alternative 3 has been identified as the Preferred Alternative.

We welcome this opportunity to cooperate with the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT) and offer the following comments for your consideration.

#### National Park Service (NPS) comments

The proposed road project will impact Land and Water Conservation Fund (LWCF) assisted sites the Edward Rendon Sr. Park and the Waller Beach Park area located between I-35 and the Lady

**INTERIOR REGION 4 • MISSISSIPPI-BASIN\***  
**INTERIOR REGION 6 • ARKANSAS-RIO GRANDE-TEXAS-GULF**  
**INTERIOR REGION 7 • UPPER COLORADO-BASIN\***

Bird Lake, referred to as 6(f) properties. The EIS should include alternatives considered for proposed replacement, mitigation site and an analysis of the impacts. The EIS should also include Section 106 of the National Historic Preservation Act (NHPA) tribal outreach and consultation and Section 7 of the Endangered Species Act (ESA) impacts, if any for the affected 6(f) areas.

The Department has a continuing interest in working with the FHWA and TxDOT to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to NPS comments, please contact Karen Skaar at [karen\\_skaar@nps.gov](mailto:karen_skaar@nps.gov).

If you have any questions for the Department or need assistance, please contact me at 720-814-6167, or [rebecca\\_collins@ios.doi.gov](mailto:rebecca_collins@ios.doi.gov).

Sincerely,

**REBECCA  
COLLINS**

Digitally signed by  
REBECCA COLLINS  
Date: 2023.03.07  
05:18:47 -07'00'

Rebecca Collins  
Regional Environmental Officer  
Office of Environmental Policy and Compliance

Cc: Karen Skaar, National Park Service, [karen\\_skaar@nps.gov](mailto:karen_skaar@nps.gov)  
Roxanne Runkell, National Park Service, [roxanne\\_runkel@nps.gov](mailto:roxanne_runkel@nps.gov)

**From:** [Sonya Hernandez](#)  
**To:** [rebecca\\_collins@ios.doi.gov](mailto:rebecca_collins@ios.doi.gov); [environmental\\_review@ios.doi.gov](mailto:environmental_review@ios.doi.gov)  
**Cc:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Scott Ford](#); [Patrick Lee](#); [Valentine, Shane](#); [Lindsey Kimmitt](#); [Tommy Abrego](#)  
**Subject:** RE: I-35 Capital Express Central Project - Draft EIS and Individual Section 4(f)  
**Date:** Thursday, May 4, 2023 2:21:27 PM  
**Attachments:** [DeptofInterior\\_Rebecca\\_Email\\_20230307\\_ER-23-006\\_I35\\_Capital\\_Express\\_Central\\_Project\\_DOI\\_Comment\\_Ltr.pdf](#)

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Good afternoon,

I thought I'd follow up on the email I sent yesterday to provide you with a link to the document, in case you need to look it over for reference.

The summary of the Individual Section 4(f) analysis is in DEIS Section 3.9.1 and the full Individual Section 4(f) analysis report can be found in Appendix M.

[I-35 Capital Express Central Project – Draft Environmental Impact Statement and Public Hearing Materials – Capital Express \(my35capex.com\)](#)

Thank you,

Sonya Hernandez

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

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**From:** Sonya Hernandez  
**Sent:** Wednesday, May 3, 2023 2:56 PM  
**To:** [rebecca\\_collins@ios.doi.gov](mailto:rebecca_collins@ios.doi.gov); [environmental\\_review@ios.doi.gov](mailto:environmental_review@ios.doi.gov)  
**Cc:** [Tricia Bruck-Hoyt-C <TBRUCK-C@txdot.gov>](mailto:Tricia.Bruck-Hoyt-C@txdot.gov); [Angela McMurray-C <AMCMUR-C@txdot.gov>](mailto:Angela.McMurray-C@txdot.gov); [Scott Ford <Scott.Ford@txdot.gov>](mailto:Scott.Ford@txdot.gov); [Patrick Lee <Patrick.Lee@txdot.gov>](mailto:Patrick.Lee@txdot.gov); [Shane.Valentine@hdrinc.com <shane.valentine@hdrinc.com>](mailto:Shane.Valentine@hdrinc.com); [Lindsey Kimmitt <Lindsey.Kimmitt@txdot.gov>](mailto:Lindsey.Kimmitt@txdot.gov); [Tommy Abrego <Tommy.Abrego@txdot.gov>](mailto:Tommy.Abrego@txdot.gov)  
**Subject:** I-35 Capital Express Central Project - Draft EIS and Individual Section 4(f)

Good afternoon,

On December 29, 2022, TxDOT circulated a combined notice of availability and public hearing for the I-35 Capital Express Central Draft EIS, which included an Individual Section 4(f) analysis. The official agency and public review and comment period began on January 5, 2023 and concluded on March 7, 2023.

By letter dated March 7, 2023 (attached) the Department of Interior (DOI) indicated that DOI reviewed the DEIS. DOI's March 7, 2023 letter did not indicate any comments on the individual 4(f) evaluation.

We just wanted to circle back to confirm that DOI does not have any comments on the individual Section 4(f). Please let us know if DOI had any comments on the Individual Section 4(f) evaluation.

Please feel free to reach out if you have any questions.

Thank you,

Sonya Hernandez

Sonya Y. Hernandez, P.G.

Environmental Program Manager

Austin District

Texas Department of Transportation

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# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
1001 Indian School Road NW, Suite 348  
Albuquerque, New Mexico 87104

Electronic Submittal Only  
ER 23/0006

March 7, 2023

Doug Booher  
Director of Environmental Affairs  
Texas Department of Transportation  
125 East 11<sup>th</sup> Street  
Austin, TX 78701

Subject: Comments on the I-35 Capital Express Central Project, Travis County, Texas,  
Draft Environmental Impact Statement

Dear Mr. Booher:

The Department of the Interior (Department) has reviewed the I-35 Capital Express Central Project Draft Environmental Impact Statement (DEIS). We understand the purpose and need of this project is to adequately accommodate the current and future travel demand between the US 290 East and the US 290 West/State Highway 71 corridor and meet the current federal and state design standards. This project would improve the corridor by enhancing safety, addressing demand by prioritizing the movement of people, goods, and services, improving operational efficiency, and creating a more dependable and consistent route for the traveling public, including people who walk and bicycle, emergency responders, and transit. The alternatives analyzed in the DEIS consist of the No Build Alternative, the Build Alternative 2, and the Modified Build Alternative 3. The Modified Build Alternative 3 has been identified as the Preferred Alternative.

We welcome this opportunity to cooperate with the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT) and offer the following comments for your consideration.

#### National Park Service (NPS) comments

The proposed road project will impact Land and Water Conservation Fund (LWCF) assisted sites the Edward Rendon Sr. Park and the Waller Beach Park area located between I-35 and the Lady

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Bird Lake, referred to as 6(f) properties. The EIS should include alternatives considered for proposed replacement, mitigation site and an analysis of the impacts. The EIS should also include Section 106 of the National Historic Preservation Act (NHPA) tribal outreach and consultation and Section 7 of the Endangered Species Act (ESA) impacts, if any for the affected 6(f) areas.

The Department has a continuing interest in working with the FHWA and TxDOT to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to NPS comments, please contact Karen Skaar at [karen\\_skaar@nps.gov](mailto:karen_skaar@nps.gov).

If you have any questions for the Department or need assistance, please contact me at 720-814-6167, or [rebecca\\_collins@ios.doi.gov](mailto:rebecca_collins@ios.doi.gov).

Sincerely,

**REBECCA  
COLLINS**

Digitally signed by  
REBECCA COLLINS  
Date: 2023.03.07  
05:18:47 -07'00'

Rebecca Collins  
Regional Environmental Officer  
Office of Environmental Policy and Compliance

Cc: Karen Skaar, National Park Service, [karen\\_skaar@nps.gov](mailto:karen_skaar@nps.gov)  
Roxanne Runkell, National Park Service, [roxanne\\_runkel@nps.gov](mailto:roxanne_runkel@nps.gov)

**From:** [Sonya Hernandez](#)  
**To:** [Heidi@thetrailconservancy.org](mailto:Heidi@thetrailconservancy.org)  
**Cc:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Lindsey Kimmitt](#); [Patrick Lee](#); [Scott Ford](#); [Valentine, Shane](#)  
**Subject:** I-35 Capital Express Central Project - Draft EIS and Individual Section 4(f)  
**Date:** Thursday, May 4, 2023 2:17:49 PM

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Good afternoon,

On December 29, 2022, TxDOT circulated a combined notice of availability and public hearing for the I-35 Capital Express Central Draft EIS, which included an Individual Section 4(f) analysis. The official agency and public review and comment period began on January 5, 2023 and concluded on March 7, 2023.

TxDOT circulated the notice to the Officials with Jurisdiction over the City of Austin parks (City of Austin Parks and Recreation Department or COA PARD). We understand that the Trail Conservancy has an agreement with COA regarding the maintenance of some of the City's trails, including sections of the Ann and Roy Butler Hike and Bike Trail, and that the City has been coordinating directly with the Trail Conservancy on Capital Express Central's potential impacts to the park and trail system. We also understand that the Trail Conservancy has been coordinating with the TxDOT project team regarding agreements for detours to the trail during construction and restoration of the trail after construction.

During the DEIS review and comment period, we did not receive any comments from the Trail Conservancy on the Individual Section 4(f) analysis, which includes an analysis of potential impacts to park and recreation areas. We just wanted to circle back to confirm that the Trail Conservancy does not have any comments on the individual Section 4(f) aside from the input the Trail Conservancy has provided directly to the TxDOT Project Team during coordination meetings.

For reference, the summary of the analysis is in DEIS Section 3.9.1 and the full Individual Section 4(f) analysis report can be found in Appendix M.

[I-35 Capital Express Central Project – Draft Environmental Impact Statement and Public Hearing Materials – Capital Express \(my35capex.com\)](#)

Please feel free to reach out if you have any questions.

Thank you,  
Sonya Hernandez

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

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**From:** [Sonya Hernandez](#)  
**To:** [Justin Kockritz](#)  
**Cc:** [Tricia Bruck-Hoyt-C](#); [Angela McMurray-C](#); [Patrick Lee](#); [Lindsey Kimmitt](#); [Scott Ford](#); [Rebekah Dobrasko](#); [Valentine, Shane](#)  
**Subject:** I-35 Capital Express Central Project - Draft EIS and Individual Section 4(f)  
**Date:** Thursday, May 4, 2023 3:23:02 PM

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Good afternoon,

On December 29, 2022, TxDOT circulated a combined notice of availability and public hearing for the I-35 Capital Express Central Draft EIS, which included an Individual Section 4(f) analysis. The official agency and public review and comment period began on January 5, 2023 and concluded on March 7, 2023.

We would like to thank the Texas Historical Commission (THC) for the agency's coordination with TxDOT under the Section 106 process during the development of the Draft EIS and acknowledge our coordination with your agency, as Officials with Jurisdiction, of the Individual Section 4(f) analysis. We did not receive formal comments from the THC on the Section 4(f) analysis during the review and comment period but we did received the THC's request to review an updated analysis after the public hearing, which would include more information on proposed mitigation for historical resources.

We wanted to take this opportunity to document your request and to provide you with the link of the current location of the Draft Individual Section 4(f) document on our project website, for your reference, until we can follow up on your request. The summary of the analysis is in DEIS Section 3.9.1 and the full Individual Section 4(f) analysis report can be found in Appendix M.

[I-35 Capital Express Central Project – Draft Environmental Impact Statement and Public Hearing Materials – Capital Express \(my35capex.com\)](#)

Please feel free to reach out if you have any questions.

Thank you,

Sonya Hernandez

Sonya Y. Hernandez, P.G.  
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July 26, 2023

The Trail Conservancy (TTC) Board of Directors  
P.O. Box 6332  
Austin TX 78762

Re: Response to The Trail Conservancy Comments on the I-35 Capital Express Central (I-35 from US 290 East to US 290 West/SH 71) Draft Environmental Impact Statement and individual Section 4(f) evaluation

Dear The Trail Conservancy Board of Directors:

The Texas Department of Transportation (TxDOT) has reviewed the comments submitted on May 15, 2023 by The Trail Conservancy (TTC) on the I-35 Capital Express Central Draft Environmental Impact Statement (EIS) and individual Section 4(f) evaluation. Thank you so much for your time, questions, and thoughtful comments. The following memo is an explanation of when (and why) certain elements of the proposed mitigation can or cannot be included in the proposed project. The Trail Conservancy's comments and TxDOT responses are included in Attachment A. TxDOT will continue to communicate with TTC and with the City of Austin Parks and Recreation Department (COA-PARD) as project development continues.

### **General Comments**

Thank you for this clarification on the length of the Butler Trail, TxDOT will represent the length as approximately 10 miles in the Final EIS.

### **Comments Specific to Section 4(f) – Mitigation of Adverse Impacts/Minimizing Harm**

#### **Trail Closures**

Thank you for this clarification, TxDOT will update the trail closure information regarding frequency and duration in the Final EIS.

TxDOT will, as practicable, utilize nighttime hours for trail closures needed during construction when the park is not accessible to the public. To the extent practicable, short trail closures will be limited to the edges of the Boardwalk and Trail night closures based on the need of construction activity. All closures will be communicated in advance.

#### **Trail Detours**

TxDOT would like to work with TTC to find the best pedestrian detour. Please provide input on a suitable detour starting point, ending point, and possible accessibility and safety improvements that will minimize impacts during construction.

The new western Lady Bird Lake pedestrian bridge and new Riverside bridge are in the first phases of the Project and will eliminate the existing narrow sidewalks for majority of the project's detours.

In response to TTC's feedback, TxDOT will relocate the trail detour to parallel to the south side of East Ave.

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Trees

The proposed new permanent park amenities were laid out in collaboration with COA-PARD. Temporary facilities were located to in an effort to minimize impacts to the largest trees.

TxDOT has consulted with arborists, including arborists with COA-PARD, in the past regarding the relocation of trees. In their opinion, relocation of fully mature trees is not the best use of resources because the trees have largely reached the end of their functional life and the success of relocation is very costly and not guaranteed. Rather, the arborists suggest using funds to plant more trees, to off-set the impacts of removing a small number of mature trees.

Comments related to Section 6(f) Parkland at Waller Beach

The trail between Waller Beach at Town Lake Metro Park and Edward Rendon Sr. Metro Park at Festival Beach, would be restored under I-35 following completion of the construction phase.

Thank you for your comments and ongoing partnership though this process. We look forward to ongoing discussion with TTC throughout this project.

Sincerely,



Brandon Hobbs  
Environmental Specialist  
TxDOT Austin District

## Attachment A

I-35 Capital Express Central Project (I-35 from US 290E to SH71): The Trail Conservancy Comments and TxDOT Responses

Number	Comment Subject	Comment	Response
1	General Comment	The Trail Conservancy (TTC) is a 501(c)(3) non-profit organization whose mission is to protect, enhance, and connect the Ann and Roy Butler Hike-and-Bike Trail for the benefit of all. TTC was established in 2003 as the Town Lake Trail Foundation, which in turn was created to further the historic efforts set forth by the Citizens Committee in 1971.	n/a
2	General Comment	<p>Through a June 2022 Park Operations and Maintenance Agreement, the Austin Parks and Recreation Department (PAR) transferred to TTC the primary day-to-day stewardship of Town Lake Metropolitan Park and the Butler Trail. Thus, it falls primarily to TTC to respond to the impacts the I-35 project—as well as the construction of the project—will have on the Trail.</p> <p>We therefore request that TxDOT include TTC in all its future coordination and communication efforts regarding the Butler Trail and Town Lake Metropolitan Park related to this project.</p>	TxDOT will continue to communicate with the COA-PARD and The Trail Conservancy as this project moves forward.
3	General Comment	Further, in many places throughout the DEIS (particularly in Appendix M), TxDOT refers to the Trail being “15 miles” in length (see e.g., Appendix M § 3.1.1, at p. 10). This is inaccurate. The Butler Trail is 10.2 miles.	The length of the Trail will be revised to approximately 10 miles.
4	Trail Closures	The DEIS and Appendix M state that there will be periods where the Trail may need to be closed for a few hours at a time. The documents, and slide presentations made to TTC staff, also state that up to 3 times per year throughout the 6-year duration of the project TxDOT would need to close the Trail for as long as 3 to 7 days at a time.	The EIS and Appendix M will be updated to accurately reflect the trail closures needs during construction.
5	Trail Closures	TTC has concerns regarding both brief (hours-long) and longer closures. Currently, over 5 million people use the Trail annually, and that number is constantly growing. Because it is a city park, the Trail is closed from 10 PM to 5 AM every day. During the open hours of 5 AM to 10 PM, even a short closure has a major impact on park visitors’ ability to use the Trail. TTC therefore requests that TxDOT take all possible steps to avoid any closure during the Trail’s normal operating hours. Where that is not possible, TTC urges TxDOT to take all reasonable steps to confine any closures to the hours at the “edges” of the open times (e.g., 9-10 PM or 5-6 AM).	Concur. TxDOT will, as practicable, utilize the nighttime hours when the park is not accessible to the public. To the extent practicable, short closures will be limited to the edges of the Boardwalk and Trail night closures based on the need of construction activity. All closures will be communicated to the COA-PARD and The Trail Conservancy in advance.
6	Trail Closures	TTC’s understanding is that one of the locations that might be closed for either hours or days at a time is the Boardwalk portion of the Trail on the south side of Lady Bird Lake. A closure here is of great concern. This section of the Trail was added in 2012—at a cost of \$28 million—to remedy the fact that there was no property on adjacent land suitable for a trail, so for years there was a gap in the Trail over this stretch. As a result, joggers and cyclists had to divert to the narrow sidewalk on Riverside Drive between the former site of the Austin American Statesman all the way to International Shores—a distance of over a mile—on a busy street with numerous street crossings (including the frontage roads of I-35). As mentioned in the next section (Trail Detours), if this portion of the Boardwalk were to be closed TTC does not believe that—using existing infrastructure—there is a viable, safe detour available. The lack of a suitable detour would mean that a closure of the south Boardwalk would amount to a de facto closure of over a mile of the Trail. Accordingly, TTC requests that TxDOT take all possible steps to avoid complete closures of this portion of the Trail during construction.	Concur. TxDOT will, as practicable, utilize the nighttime hours when the park is not accessible to the public, but closing public spaces like the Boardwalk and Ann & Roy Butler Trail is sometimes necessary to ensure the safety of its users. All closures will be communicated to the COA-PARD and The Trail Conservancy in advance.
7	Trail Detours	As just mentioned, the detour shown on the south side of Lady Bird Lake in Exhibit A to Appendix M is problematic. First, as depicted on the map, the detour is incomplete, as it shows that users would be diverted off the trail at Blinn Creek to Riverside Drive, across the intersection of the I-35 feeder lanes, to an undetermined point east of I-35. (There is no depiction of how users would be directed back and forth between Riverside Drive east of the highway and the Trail at International Shores.)	We would like to work with The Trail Conservancy to find the best pedestrian detour. Please provide input on a suitable detour starting point, ending point, and possible accessibility and safety improvements that will minimize impacts during construction.

Number	Comment Subject	Comment	Response
8	Trail Detours	Regardless, even with a completed connection back to the Trail, any such detour is extremely problematic, as mentioned in the previous section. The sidewalk on Riverside Drive is simply too narrow to safely accommodate the volume of Trail traffic, and there are far too many intersections (some controlled, some not) to safely move trail users across.	The new western Lady Bird Lake pedestrian bridge and new Riverside bridge are in the first phases of the Project and will eliminate the existing narrow sidewalks for majority of the project's detours. We would like to work with The Trail Conservancy to find the best pedestrian detour. Please provide input on a suitable detour starting point, ending point, and possible accessibility and safety improvements that will minimize impacts during construction.
9	Trail Detours	The detour on the north shore of the Lake at Waller Beach that is shown in Exhibit A to Appendix M has the Trail traffic crossing East Avenue. TTC requests that TxDOT relocate this detour to the south side of East Avenue so that the detoured traffic does not have to cross East Avenue. (TTC has raised this issue in recent conversations with TxDOT representatives, and believes this change has already been made. TTC raises it here simply to ensure it is recorded.)	Concur. TxDOT will relocate the detour to parallel to the south side of East Ave.
10	Trees	TTC requests that TxDOT consider all options that would allow trees to remain in their current locations throughout construction.	The new permanent park amenities were laid out with COA-PARD. Temporary facilities were located to minimize impacts to the largest trees.
11	Trees	If protecting a tree during construction is not possible and removal is the only option, then TTC requests that, rather than cutting the trees down, TxDOT relocate the trees to other Trail locations in coordination with TTC/PARD.	TxDOT has consulted with arborists, including arborists with COA-PARD, in the past regarding the relocation of trees. In their opinion, relocation of fully mature trees is not the best use of resources because the trees have largely reached the end of their functional life and the success of relocation is very costly and not guaranteed. Rather, the arborists suggest using funds to plant more trees, to off-set the impacts of removing a small number of mature trees.
12	Trees	<p>Relatedly, with regard to trees, the DEIS proposes (in Table 5 of Appendix M) as a mitigation measure the following:</p> <p>"Tree mitigation will be paid in fee to COA rather than new tree plantings. Prior to construction, a tree survey consistent with the COA Section 3 of the COA Environmental Criteria Manual for tree and natural area protection will be performed to gauge the health and quality of the trees proposed to be impacted. This will inform discussions on the total monies paid in fee to PARD for tree mitigation."</p> <p>To the extent this path is taken, <b>TTC requests that it be included in any such discussions, given that it likely will fall to TTC to replant or otherwise mitigate tree impacts in the affected parkland.</b></p>	TxDOT will continue to communicate with the COA-PARD and The Trail Conservancy as this project moves forward.
13	Parkland Restoration	<p>The DEIS notes in several places that after construction is completed in the impacted portions of Town Lake Metropolitan Park, TxDOT will restore the parkland. As just one example, in Appendix M Table 5 ("Minimizing Harm/Mitigation of Adverse Impacts"), it states with regard to Butler Trail as a whole:</p> <p>"Any damage caused by construction equipment during construction to the existing trails will be repaired and all trails will be returned to their original conditions after the full duration of construction. All detour routes will be removed and grounds will be returned to their original conditions unless COA requests that the detour trail routes remain in place."</p> <p>The same theme is repeated throughout the DEIS. On the issue of restoration of parkland, TTC offers the following comment.</p>	n/a

Number	Comment Subject	Comment	Response
14	Parkland Restoration	TTC requests that all details of the post-construction restoration of parkland in Town Lake Metropolitan Park be coordinated with TTC <b>(as well as PARD in the event PARD so desires)</b> .	TxDOT will continue to communicate with the COA-PARD and The Trail Conservancy as this project moves forward.
15	Temporary Easements	In two of the impacted areas (specifically International Shores and Edward Rendon Park) the DEIS (at Table 5 of Appendix M) states, respectively:	n/a
16	Temporary Easements	Financial compensation for the 1.5-year temporary use of the 0.6 acre will be paid to COA PARD. Compensation will be based on appraisal.	n/a
17	Temporary Easements	Financial compensation for the 6-month temporary use of the 0.7 acre will be paid to COA PARD. Compensation will be based on appraisal.	n/a
18	Temporary Easements	TxDOT is not proposing mitigation in the form of waterfront improvements.	TxDOT will continue to communicate with the COA-PARD and The Trail Conservancy as this project moves forward regarding waterfront improvements.
19	Temporary Easements	With regard to both of these easements, TTC requests that, along with PARD, it be included in any discussions or negotiations regarding compensation for the temporary easements, as TTC will likely be the entity incurring the costs of these disruptions.	TxDOT will continue to communicate with the COA-PARD and The Trail Conservancy as this project moves forward.

Number	Comment Subject	Comment	Response
20	Related Issues with regard to Section 6(f) Parkland at Waller Beach	<p>On the portion of Waller Beach that will be condemned under Section 6(f), TxDOT representatives have assured TTC that after construction is complete, TxDOT will restore this land to its original condition, and will allow the Trail to continue to cross this area as it currently does. [Footnote 1]</p> <p>[Footnote 1] TxDOT, the City of Austin and TTC are in discussions on the separate issue of identifying land to replace the portion of Waller Beach that will be condemned. These comments and do not address that issue.</p>	n/a
21	Related Issues with regard to Section 6(f) Parkland at Waller Beach	<p>TTC requests that in the FEIS TxDOT explicitly confirm this, and addresses the legal mechanism (easement, license, MUA) that will allow for this.</p> <p>On a related issue, the DEIS (at Appendix M, p. 23) states the following:</p> <p>“The area underneath the I-35 bridge (within TxDOT ROW) adjacent to Edward Rendon Park currently provides parking for users of the park. The parking area would be removed during the construction of the proposed project and would remain permanently removed following the completion of the project. Although the parking lot is currently being used by park users, because it exists within TxDOT ROW it would not be considered parkland that is provided protection under Section 4(f). Details regarding the future use of the land under the I-35 bridge would be provided in a revised MUA between TxDOT and COA.”</p> <p>Because the space under I-35 on the north side of Lady Bird Lake is contiguous to the Waller Beach parkland that will be taken under Section 6(f), and because the Trail currently crosses the ROW under I-35 just as it crosses the Waller Beach property, the very same issues regarding the Trail being able to remain on Waller Beach after construction are also presented in the ROW under I-35.</p>	The trail between Waller Beach at Town Lake Metro Park and Edward Rendon Sr. Metro Park at Festival Beach, would be restored under I-35 following completion of the construction phase.
22	General Comment	TTC requests that TTC be included in all conversations regarding any revised MUA between TxDOT and the City of Austin regarding this ROW. TTC further requests that any such discussions be combined with conversations on how TxDOT’s agreement that the Trail may continue to cross the condemned portion of Waller Beach should be documented.	TxDOT will continue to communicate with the COA-PARD and The Trail Conservancy as this project moves forward.
23	General Comment	TTC further requests that TxDOT coordinate with TTC any restoration or repair work that is done to the ROW under I-35, as any such work will present the opportunity for that space to be significantly upgraded from its existing condition. Given that this space is effectively (though not legally) “part of the Trail” it makes sense for the space to better approximate the aesthetics of the surrounding parkland and TTC would like to work with TxDOT to accomplish this.	TxDOT will continue to communicate with the COA-PARD and The Trail Conservancy as this project moves forward.

## Section 6(f) Coordination



**From:** [Sonya Hernandez](#)  
**To:** [Amy Grossman](#)  
**Cc:** [Eric Bennett](#); [shirley.nichols@txdot.gov](mailto:shirley.nichols@txdot.gov); [Soliz, Ricardo](#); [Michelle Cooper](#); [Kallivoka, Liana \[PARD\]](#); [Dan Reece](#); [Valentine, Shane](#)  
**Subject:** RE: M35 CapEx-Central (CSJ 0015-13-388) - Section 6(f) Temporary Use  
**Date:** Friday, May 20, 2022 2:57:03 PM  
**Attachments:** [6f\\_Park\\_Boundaries\\_05042022.zip](#)  
[6f\\_Park\\_Exhibit\\_05042022\\_R.pdf](#)

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

Hi Amy,

I have attached the GIS shapefile you requested that include the current I-35 ROW boundaries around Lady Bird Lake. Please let us know if you have any questions.

I wanted to ask you about the documentation needed for the Temporary Non-Conforming Use request. The LWCF State Assistance Program Federal Assistance Manual references a "C&S Form" or Compliance and Stewardship form. Can you direct us to the C&S form? Or send it to us via email? We have looked for it on the NPS website and have not been able to locate it. We've only been able to find the form required for the conversion request.

Thanks in advance for your help and have a great weekend!

Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

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**From:** Amy Grossman <Amy.Grossman@tpwd.texas.gov>  
**Sent:** Tuesday, May 3, 2022 3:53 PM  
**To:** Sonya Hernandez [Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
**Cc:** Susan Fraser [Susan.Fraser@txdot.gov](mailto:Susan.Fraser@txdot.gov); Shirley Nichols [Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov); Soliz, Ricardo [Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov); Michelle Cooper [Michelle.Cooper@txdot.gov](mailto:Michelle.Cooper@txdot.gov); Kallivoka, Liana [PARD] [Liana.Kallivoka@austintexas.gov](mailto:Liana.Kallivoka@austintexas.gov); Dan Reece [Dan.Reece@tpwd.texas.gov](mailto:Dan.Reece@tpwd.texas.gov); Valentine, Shane [shane.valentine@hdrinc.com](mailto:shane.valentine@hdrinc.com)  
**Subject:** RE: M35 CapEx-Central (CSJ 0015-13-388) - Section 6(f) Temporary Use

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the sender and know the content is safe.

Hi Sonya,

Thank you for catching that on the map. You're correct, the map should reflect the highway easement. The map I was working off was hand-drawn in 1968 – do you have a GIS shapefile I could use to translate that easement boundary on to our map?

We would be happy to meet with you and any other stakeholders to review the conversion process. Please include the sponsor (the City of Austin Parks and Rec), myself, and Dan in the doodle poll.

Thank you,

Amy

Amy Grossman  
Local Park Grant Compliance Coordinator  
Texas Parks and Wildlife Department  
(512) 902-6039

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Sent:** Monday, May 2, 2022 5:41 PM

**To:** Amy Grossman <[Amy.Grossman@tpwd.texas.gov](mailto:Amy.Grossman@tpwd.texas.gov)>

**Cc:** Susan Fraser <[Susan.Fraser@txdot.gov](mailto:Susan.Fraser@txdot.gov)>; Shirley Nichols <[Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov)>; Soliz, Ricardo <[Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov)>; Michelle Cooper <[Michelle.Cooper@txdot.gov](mailto:Michelle.Cooper@txdot.gov)>; Kallivoka, Liana [PAR] <[Liana.Kallivoka@austintexas.gov](mailto:Liana.Kallivoka@austintexas.gov)>; Dan Reece <[Dan.Reece@tpwd.texas.gov](mailto:Dan.Reece@tpwd.texas.gov)>; Valentine, Shane <[shane.valentine@hdrinc.com](mailto:shane.valentine@hdrinc.com)>

**Subject:** RE: M35 CapEx-Central (CSJ 0015-13-388) - Section 6(f) Temporary Use

**ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.**

Good afternoon Amy,

We would like to begin taking the next steps for a formal temporary non-conforming use request at Edward Rendon Sr. Metro Park at Festival Beach and the conversion on Waller Beach at Town Lake Metro Park. Before we can do that, we'd like to set up a meeting to go over a few things with you, Dan, and your contact at the NPS (if possible).

In order to move forward with the processes on both park parcels, we need to confirm the park boundaries with you. The map that you provided to our project team back in January (second page of the attached) shows the Section 6(f) area for the Waller Beach at Town Lake Metro Park (labeled as Phase 4 here) extending beneath the roadway/I-35 bridge. That area of land, according to our records, is TxDOT owned and operated ROW. Do you believe the boundaries on the map are accurate? If so, is this based on survey data or some other type of record? We need to confirm the boundaries so that we know exactly what we need to get appraised for conversion.

We would also like to go over our understanding of the steps in the conversion process for Waller Beach at Town Lake Metro Park. We have charted out the steps as we understand them and would

like to confirm the order and timing of those steps. We would like to allow for some of our ROW and engineering team members to ask a few questions as well.

In the next few days, one of our team members will reach out with a Doodle Poll to gauge everyone's availability for a meeting. Who all, in addition to you and Dan, should we send it to?

Thanks,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096

---

**From:** Amy Grossman <[Amy.Grossman@tpwd.texas.gov](mailto:Amy.Grossman@tpwd.texas.gov)>

**Sent:** Tuesday, April 19, 2022 9:55 AM

**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Cc:** Susan Fraser <[Susan.Fraser@txdot.gov](mailto:Susan.Fraser@txdot.gov)>; Shirley Nichols <[Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov)>; Soliz, Ricardo <[Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov)>; Michelle Cooper <[Michelle.Cooper@txdot.gov](mailto:Michelle.Cooper@txdot.gov)>; Kallivoka, Liana [PARD] <[Liana.Kallivoka@austintexas.gov](mailto:Liana.Kallivoka@austintexas.gov)>; Dan Reece <[Dan.Reece@tpwd.texas.gov](mailto:Dan.Reece@tpwd.texas.gov)>

**Subject:** RE: M35 CapEx-Central (CSJ 0015-13-388) - Section 6(f) Temporary Use

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

Hi Sonya,

We reviewed the request with our partners at the National Park Service (they have final decision on these federal grants) and unfortunately any non-recreational use of a park that lasts longer than six months does not comply with the 6(f) regulations described in the Land and Water Conservation Fund (LWCF) manual, even if they do comply with 4(f) regulations.

From your letter, it sounds like the eastern side of I-35 will need a Request for Temporary Non-Conforming Use for the six months or less of construction staging and the western side will need a Conversion for the six or more years of construction staging. It sounds like this might still be the beginning of the project, but we do recommend starting the Conversion process as early as possible. We would be happy to review the project and the resulting Conversion process to stay in compliance with the LWCF. Let us know what dates are best for you and we can get something scheduled when you and the City are ready.

Thank you,  
Amy

Amy Grossman  
Local Park Grant Compliance Coordinator  
Texas Parks and Wildlife Department  
(512) 902-6039

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Sent:** Wednesday, April 13, 2022 10:43 AM  
**To:** Amy Grossman <[Amy.Grossman@tpwd.texas.gov](mailto:Amy.Grossman@tpwd.texas.gov)>; Dan Reece <[Dan.Reece@tpwd.texas.gov](mailto:Dan.Reece@tpwd.texas.gov)>  
**Cc:** Susan Fraser <[Susan.Fraser@txdot.gov](mailto:Susan.Fraser@txdot.gov)>; Shirley Nichols <[Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov)>; Soliz, Ricardo <[Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov)>; Michelle Cooper <[Michelle.Cooper@txdot.gov](mailto:Michelle.Cooper@txdot.gov)>; Kallivoka, Liana [PARD] <[Liana.Kallivoka@austintexas.gov](mailto:Liana.Kallivoka@austintexas.gov)>  
**Subject:** RE: M35 CapEx-Central (CSJ 0015-13-388) - Section 6(f) Temporary Use

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Good morning Amy and Dan,  
Thanks for your quick reply. We are looking forward to hearing from you once you all have a chance to look things over. Please feel free to reach out if you have any questions in the meantime.  
Sincerely,  
Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)  
Mobile Phone: 512-649-6478  
Office Phone: 512-832-7096

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**From:** Amy Grossman <[Amy.Grossman@tpwd.texas.gov](mailto:Amy.Grossman@tpwd.texas.gov)>  
**Sent:** Tuesday, April 12, 2022 4:01 PM  
**To:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>  
**Cc:** Dan Reece <[Dan.Reece@tpwd.texas.gov](mailto:Dan.Reece@tpwd.texas.gov)>; Susan Fraser <[Susan.Fraser@txdot.gov](mailto:Susan.Fraser@txdot.gov)>; Shirley Nichols <[Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov)>; Soliz, Ricardo <[Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov)>; Michelle Cooper <[Michelle.Cooper@txdot.gov](mailto:Michelle.Cooper@txdot.gov)>  
**Subject:** RE: M35 CapEx-Central (CSJ 0015-13-388) - Section 6(f) Temporary Use



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

Hi Sonya,

Thank you for reaching out and providing a comprehensive background of the project. Dan and I will review the temporary use request to provide a response in the next few weeks and let you know when a good time is for us to meet and have a more in-depth discussion about it.

Thank you,

Amy

Amy Grossman  
Local Park Grant Compliance Coordinator  
Texas Parks and Wildlife Department  
(512) 902-6039

---

**From:** Sonya Hernandez <[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)>

**Sent:** Monday, April 11, 2022 4:45 PM

**To:** Amy Grossman <[Amy.Grossman@tpwd.texas.gov](mailto:Amy.Grossman@tpwd.texas.gov)>

**Cc:** Dan Reece <[Dan.Reece@tpwd.texas.gov](mailto:Dan.Reece@tpwd.texas.gov)>; Susan Fraser <[Susan.Fraser@txdot.gov](mailto:Susan.Fraser@txdot.gov)>; Shirley Nichols <[Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov)>; Soliz, Ricardo <[Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov)>; Michelle Cooper <[Michelle.Cooper@txdot.gov](mailto:Michelle.Cooper@txdot.gov)>

**Subject:** M35 CapEx-Central (CSJ 0015-13-388) - Section 6(f) Temporary Use

**ALERT: This email came from an external source. Do not open attachments or click on links in unknown or unexpected emails.**

Good afternoon Amy,

Please see the attached joint request from TxDOT and the City of Austin Parks and Recreation Department regarding the potential for Temporary Non-Conforming Use at Edward Rendon Sr. Metro Park at Festival Beach and the Waller Beach at Town Lake Metro Park on the north side of Lady Bird Lake. Please let us know if you're available to discuss this request in the near future and feel free to forward this to anybody on your team that is not already included in this correspondence.

Thank you,

Sonya

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

[Sonya.Hernandez@txdot.gov](mailto:Sonya.Hernandez@txdot.gov)

Mobile Phone: 512-649-6478

Office Phone: 512-832-7096



# United States Department of the Interior

NATIONAL PARK SERVICE

Interior Regions 3, 4, 5  
601 Riverfront Drive  
Omaha, NE 68102

48-000450 and 48-001149 (MWR-LWCF)

March 17, 2023

Mr. Dan Reece  
ASLO, Program Manager  
Local Park Grants Program  
Texas Parks & Wildlife  
4200 Smith School Road  
Austin, TX 78744

Dear Mr. Reece:

This is in response to your proposed temporary non-conforming use letter for Edward Rendon Park. The Texas Department of Transportation (TXDOT) proposes to construct new bridges for I-35 over Lady Bird Lake. Additionally, a separate pedestrian bridge will be constructed to connect the existing trail on the northern bank of Lady Bird Lake to the trail on the southern bank of Lady Bird Lake. Edward Rendon Park has received Land and Water Conservation Fund assistance and subsequently encumbered under project numbers 48-000450 and 48-001149.

The overall temporary non-conforming use area is estimated to be approximately 0.7-acres. The area is needed for construction access for large equipment such as cranes, drilling equipment, manlifts, and excavators. Equipment will use the space to access Lady Bird Lake and would also be parked in the allotted area. The project is tentatively planned to start in October 2024 and be completed within six months, by April 2025. These are preliminary dates, but the involved parties acknowledge the project will not exceed the six-month time frame. Restoration activities of the parkland will follow the six-month period of temporary non-conforming use.

After a thorough review and consideration, we have determined that the temporary use of the area for the I-35 bridge construction and the proposed timeline adequately meets the requirements of the Temporary Non-Conforming Uses policy and guidance, and therefore, we agree with your recommendation. Please notify this office the date construction or staging begins and consult with our office if the project exceeds the maximum allowed six (6) months or 180 days period.

Please contact either me at 303-969-2753 or via email [brandon\\_pace@nps.gov](mailto:brandon_pace@nps.gov) if you become aware of any concerns with this project before it is completed. A conversion will result if the temporary use has not ceased after the maximum 6-month period.

Sincerely,

Brandon Pace  
Acting Regional Compliance Officer Team Leader  
Land and Water Conservation Fund Program

# United States Army Corps of Engineers Coordination



July 25, 2022

**RE: I-35 CAPITAL EXPRESS CENTRAL SECTION 404 AND SECTION 10 PERMITTING  
APPROACH SUMMARY**

Provided below is the proposed permitting approach based on a Waters of the U.S. (WOTUS) delineation and proposed jurisdictional determination for the subject project that was completed on July 8, 2021. The proposed jurisdictional determination of WOTUS is based on the best professional judgment of HDR's team of wetland delineators, with extensive experience delineating similar resources in the Great Plains Region. HDR evaluated the potential for federal jurisdiction using the Rapanos Guidance (pre-2015) definitions, terminology, and significant nexus evaluation methods. The Rapanos Guidance is the currently approved guidance of the EPA and USACE following vacatur of the Navigable Waters Protection Rule on August 30, 2021. A virtual meeting was held on April 14, 2022 with TxDOT Austin District, M35 GEC and HDR staff to present the proposed permitting approach to the I-35 Cap-Ex project team and receive feedback. For additional details see the Draft Waters of the U.S. Delineation Report (June 2022) and Section 404 Impacts Table (June 2022) submitted concurrently.

**Section 404 Permits**

TxDOT is currently evaluating the proposed project with an Environmental Impact Statement (EIS). The Draft EIS is evaluating two proposed build alternatives, as well as a no-build alternative. Although detailed design is not currently available, it is anticipated that impacts to WOTUS would be similar regardless of which of the two proposed build alternatives are chosen to be carried forward for further analysis. This assumption is carried forward into this discussion.

*Lady Bird Lake Bridge (OW-1)*

*Proposed New Bridge*

The proposed project would require a new bridge at Lady Bird Lake and IH-35. The proposed structure would require approximately 90 new bridge columns. It is anticipated that the proposed bridge columns would be rectangular in shape and approximately 4-ft by 5-ft in size, equating to approximately 0.04 acre. The existing bridge would be demolished, and the existing columns removed, likely resulting in zero net loss of WOTUS for the proposed bridge replacement.

A nationwide permit (NWP) 14 without pre-construction notification (PCN), is anticipated for use at the Lady Bird Lake crossing for 0 acre of permanent impact and 0.01 acre of temporary impacts associated with temporary construction fill associated with barge launching and mooring, as well

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as incidental sidecast from drilled shafts that would be ultimately removed. (See Figure 2-3, and Section 404 Impacts Table).

The NWP 14 threshold for the placement of fill in WOTUS is 1/2 acre and requires notification if there is a loss of 1/10 acre of WOTUS, or a discharge of dredged or fill material within a special aquatic site, including wetlands.

It is anticipated that the bridge columns would be constructed via drilled shafts from natural rock to 1-foot above the natural water elevation of Lady Bird Lake. After the drill shafts are constructed, a saddle will be added to the top of new drill shaft to support the column formwork above. Barges will surround the drill shaft / column to give workers access around the column. The placement of bridge pilings (or piers) does not ordinarily constitute a discharge of fill material under the Clean Water Act (See CFR Title 33, Section 323.3 (c)(2) & USACE RGL 90-08). No associated wetlands are located within the study area at the Lady Bird Lake crossing. See Draft Waters of the U.S. Delineation Report (June 2022) for additional details.

Under NWP General Condition 20, no NWP authorizes activities that may have the potential to cause affects to properties listed, or eligible for listing, on the NRHP until the requirements of Section 106 of the NHPA have been satisfied. USACE views the subject “activity” as the work performed on the bridge structure authorized under NWP 14, not the entire project area, so General Condition 20 is anticipated to be met at the Lady Bird Lake Bridge. Additionally, the Section 4(f)/6(f) status of Lady Bird Lake Park does not trigger pre-construction notification.

#### *Boat ramp and dock at Lady Bird Lake*

A Regional General Permit (RGP) 8 for Minor Structures may be used for a proposed boat ramp and dock to be constructed in Lady Bird Lake. A permanent boat ramp and dock would likely be considered a separate action from the bridge structure by the USACE and therefore would be covered by an RGP 8. The RGP 8 threshold for boat ramps is 500 cubic yards of dredge and/or fill material. The RGP 8 threshold for boat docks requires that no structure can extend into the waterway more than 1/5 of the total width of the waterway or exceed 300 feet, whichever is less, measured perpendicular to the bank. The proposed boat dock would be approximate 200 feet long and 60 feet wide and is currently estimated to impact 0.09 acre of WOTUS.

An existing boat ramp would likely require improvement to support the larger construction vehicles required for the construction of the Lady Bird Lake bridge. Details of the improvements are not currently known but it is anticipated that they would consist of the extension (deeper) and widening of the current boat ramp below the OHWM of Lady Bird Lake. It is anticipated that any improvements would be below the 500 cubic yard threshold of RGP 8.

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#### *Tannehill Branch (S-1)*

The proposed project would require bridge improvements at Tannehill Branch along the proposed frontage road and shared use paths of IH-35. A NWP 14 without PCN is anticipated for use at Tannehill Branch Crossing for 0.01 acre of permanent impact (See Figure 2-1 and Section 404 Impacts Table). Tannehill Branch would not require mitigation because the loss of WOTUS in a stream would remain under 0.03 acre.

#### *Harpers Branch (NJD-1 & S-2)*

HDR proposes Harpers Branch as a non-jurisdictional channel near Reagan Branch (NJD-1), therefore it is anticipated no Section 404 permit would be required at this location. Historic aerial images support the assessment that the channel here was excavated in uplands and is carrying flow comprised of developed water through storm sewer systems, therefore the channel is proposed as non-jurisdictional.

A short segment of Harpers Branch near the confluence of Lady Bird Lake beneath the I-35 bridge (S-2) is proposed as a jurisdictional stream due to a surface connection to Lady Bird Lake. Outfall improvements would be required at the existing outfall of Harpers Branch at Lady Bird Lake. Approximately 0.01 acre of permanent impacts are anticipated and a NWP 7 for Outfall Structures and associated Intake Structures with PCN is anticipated for construction of this stormwater outfall discharge pipe below the OHWM of Harpers Branch near the confluence of Lady Bird Lake.

It is recommended an Approved Jurisdictional Determination (AJD) request be submitted to the USACE to confirm the proposed non-jurisdictional status of Harpers Branch near Reagan Branch (NJD-1) and the jurisdictional status at Harpers Branch at the confluence of Lady Bird Lake (S-2).

#### *Waller Creek (S-4)*

No fill will be placed within Waller Creek, therefore no Section 404 permit will be required.

#### *Boggy Creek (S-5)*

No fill will be placed within Boggy Creek, therefore no Section 404 permit will be required.

#### *Stormwater outfall structure at Colorado River below Longhorn Dam (S-3)*

The proposed project would require the construction of a new outfall discharge pipe below Longhorn Dam on the Colorado River. It is anticipated that the proposed outfall discharge would impact approximately 0.45 acre of the Colorado River below the OHWM (See Figure 1-2 and Section 404 Impacts Table). Use of a NWP 7 for Outfall Structures and associated Intake Structures with PCN is anticipated for impacts associated with construction of the proposed outfall. The NWP 7 threshold is 1/2 acre of fill within WOTUS and requires PCN for all NWP 7 actions. Effluent from the outfall must be authorized, conditionally authorized, or specifically exempted, or otherwise in compliance with the National Pollutant Discharge Elimination System Program (Section 402 of the CWA). Additionally, a Section 10 Permit is required for the placement

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of structure and fill within the Colorado River, which is a Section 10 Navigable Water of the U.S at the proposed outfall location. The Section 10 application would be submitted concurrently with the NWP 7 PCN.

#### *Temporary structures, cofferdams, and dewatering of construction sites*

Temporary structures for construction would be authorized under NWP 14 as a temporary structure, fills and work. Following construction these would be removed and returned to pre-construction elevations and re-vegetated, as appropriate.

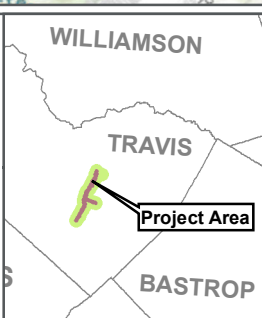
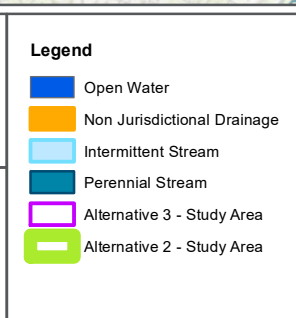
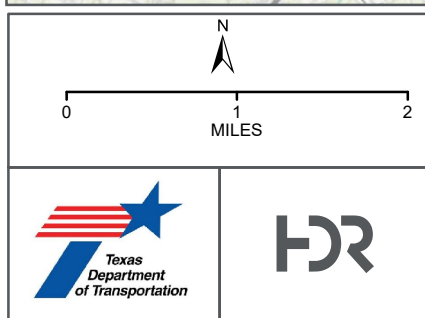
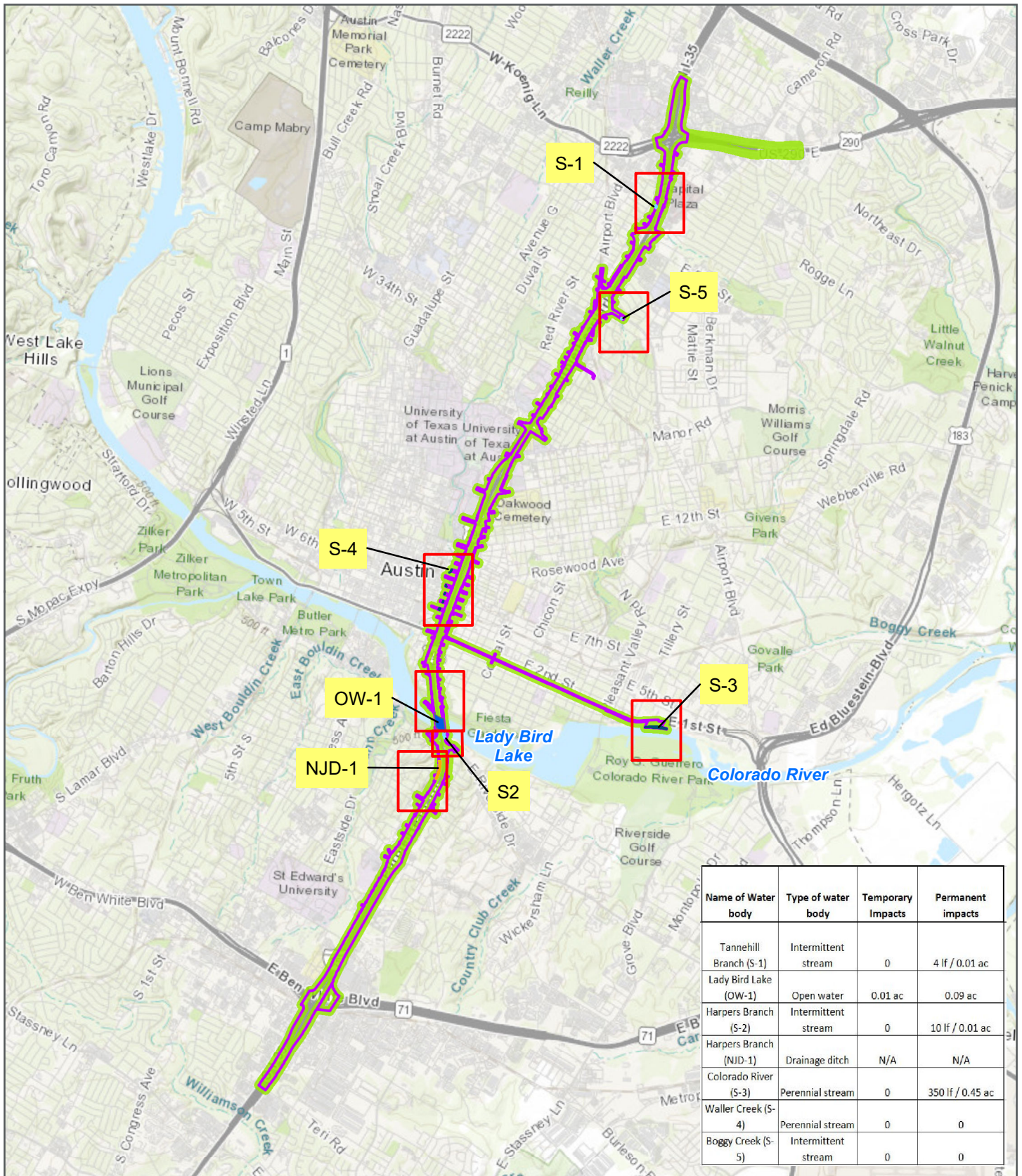
#### *Assumptions*

- This assessment is based on current WOTUS definitions and 2022 NWPs. Regulatory changes may occur, including the definition of WOTUS and/or the re-issuance of NWPs prior to the start of construction. Permitting requirements should be re-assessed prior to the start of construction.
  - The Lady Bird Lake construction staging area is entirely within uplands above the OHWM of Lady Bird Lake. No permit is required for construction staging above the OHWM.
  - Construction means and methods of the Lady Bird Lake bridge structure would not include side-casting of spoil below the OHWM.
  - Each crossing is considered a single and complete project for purposes of NWP authorization.
  - All general conditions for NWPs would be met.
  - No impacts would be required at Waller Creek or Boggy Creek.
  - No improvements would be required at the outfall structure of Waller Creek and Lady Bird Lake.
-



### Section 404 Impacts Table

Name of water body	Type of water body	Location of water body	Temporary Impacts	Permanent Impacts	Anticipated type of fill	Covered by non-reporting permit under Section 404?	Nationwide permit with pre-construction notification, individual standard permit, letter of permission, or regional general permit required under Section 404?
Tannehill Branch (S-1)	Intermittent Stream	IH-35 at Tannehill Branch	0	4 lf / 0.01 ac	Concrete Structure	Yes	No
Lady Bird Lake (OW-1)	Open Water	IH-35 bridge at Lady Bird Lake	0.01 ac	0	Riprap/Clean Soil	Yes	No
Lady Bird Lake (OW-1)	Open Water	Construction Dock and Boat Ramp at Lady Bird Lake	0	0.09 ac	Concrete Structure	No	Yes
Harpers Branch (S-2)	Intermittent Stream	Southeast of IH-35 bridge at Lady Bird Lake stormwater outfall structure	0	10 lf / 0.01 ac	Concrete Structure	No	Yes
Harpers Branch (NJD-1)	Non-jurisdictional Drainage Ditch	Reagan Branch at Harpers Branch	N/A	N/A	No Fill	Proposed Non-jurisdictional	No
Colorado River (S-3)	Perennial Stream	Colorado River at stormwater outfall structure	0	350 lf / 0.45 ac	Concrete Structure/Riprap/Clean Soil	No	Yes
Waller Creek (S-4)	Perennial Stream	4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> and 7 <sup>th</sup> Streets at Waller Creek	0	0	No Fill	No Impact	No
Boggy Creek (S-5)	Intermittent Stream	Airport Blvd at Boggy Creek	0	0	N Fill	No Impact	No



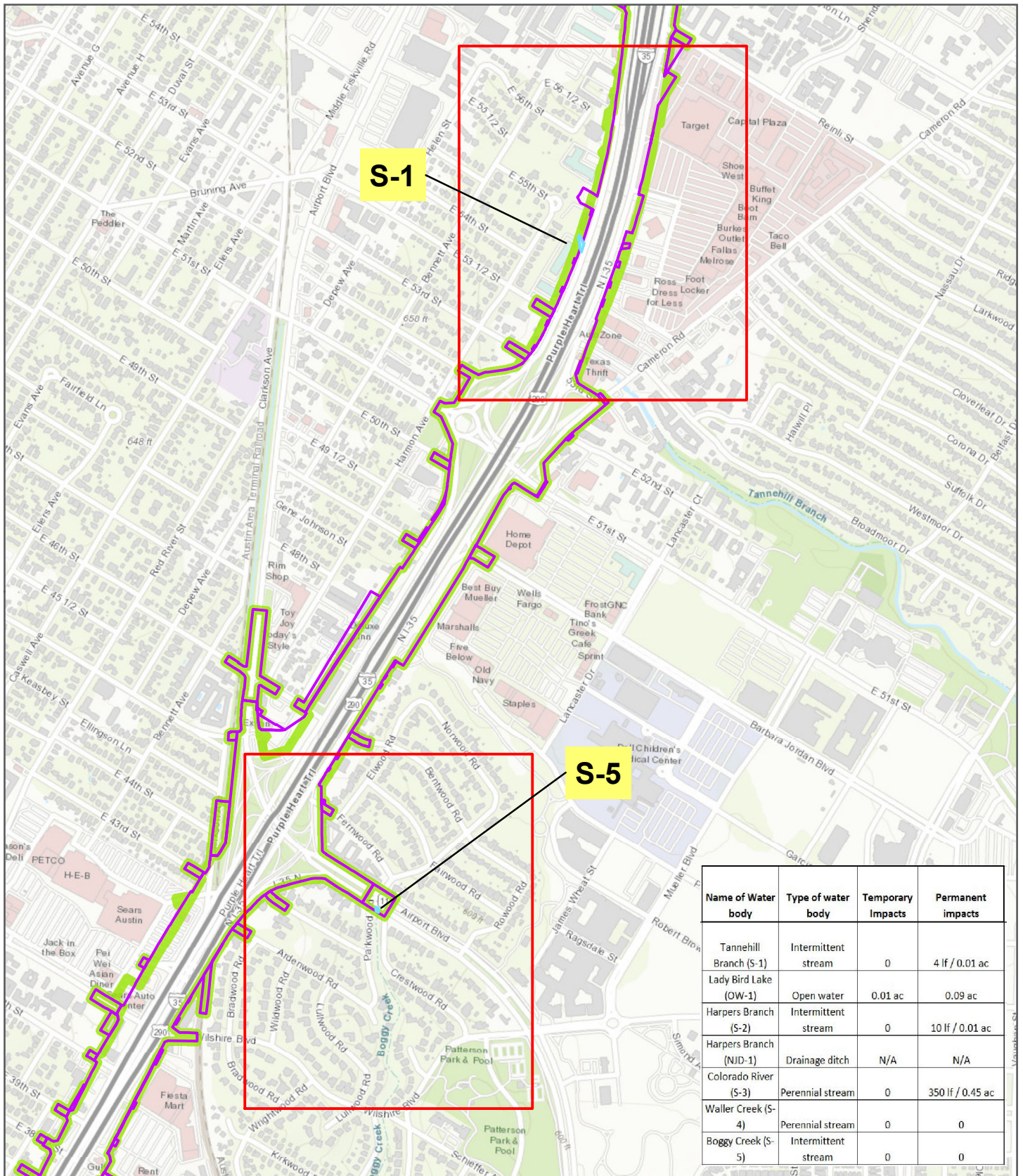
**SECTION 404 IMPACTS**

**GENERAL LOCATION**


I-35 CAPITAL EXPRESS  
CENTRAL PROJECT



TRAVIS COUNTY, TX

JUNE 2022	FIGURE 1-1
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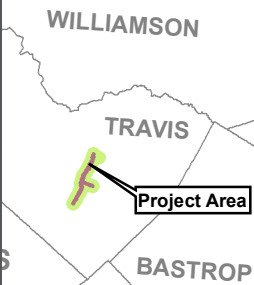
Name of Water body	Type of water body	Temporary Impacts	Permanent impacts
Tannehill Branch (S-1)	Intermittent stream	0	4 lf / 0.01 ac
Lady Bird Lake (OW-1)	Open water	0.01 ac	0.09 ac
Harpers Branch (S-2)	Intermittent stream	0	10 lf / 0.01 ac
Harpers Branch (NJD-1)	Drainage ditch	N/A	N/A
Colorado River (S-3)	Perennial stream	0	350 lf / 0.45 ac
Waller Creek (S-4)	Perennial stream	0	0
Boggy Creek (S-5)	Intermittent stream	0	0

  
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**Legend**

-  Open Water
-  Non Jurisdictional Drainage
-  Intermittent Stream
-  Perennial Stream
-  Alternative 3 - Study Area
-  Alternative 2 - Study Area



WILLIAMSON  
TRAVIS  
BASTROP

Project Area

**SECTION 404 IMPACTS**

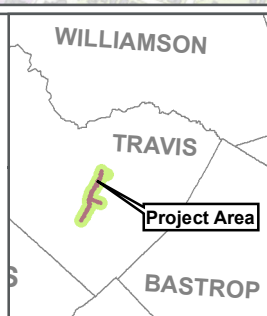
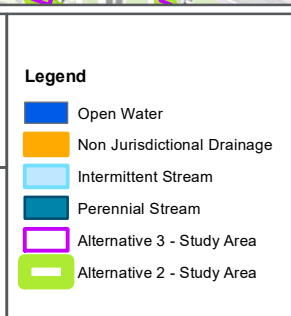
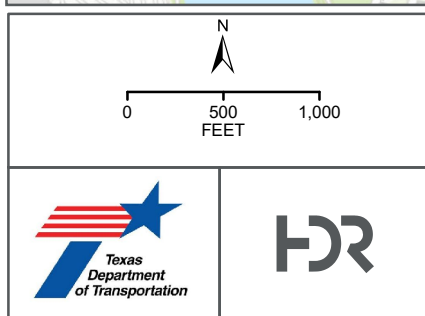
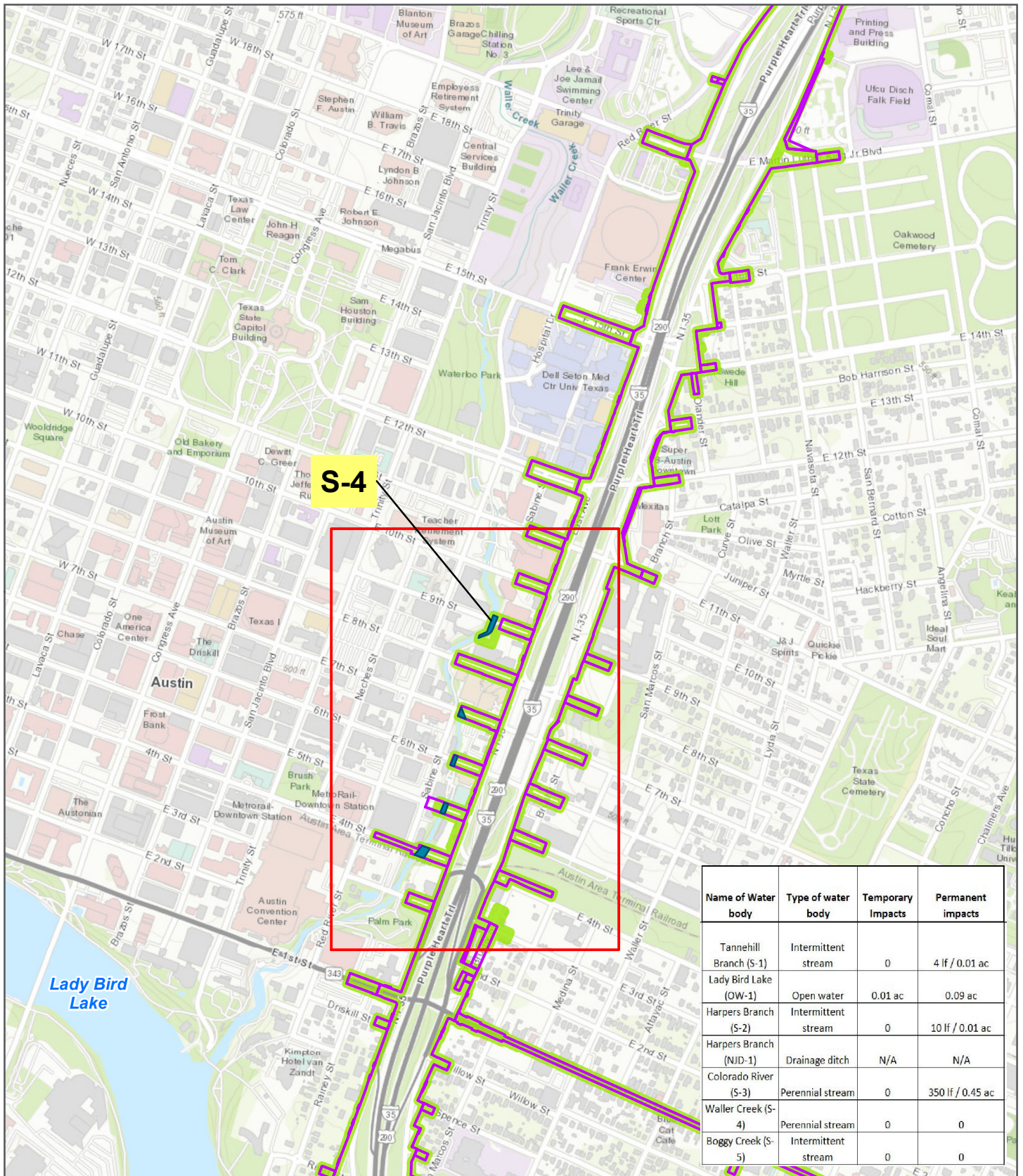
**GENERAL LOCATION**

I-35 CAPITAL EXPRESS  
CENTRAL PROJECT

TRAVIS COUNTY, TX

JUNE 2022

FIGURE 1-2



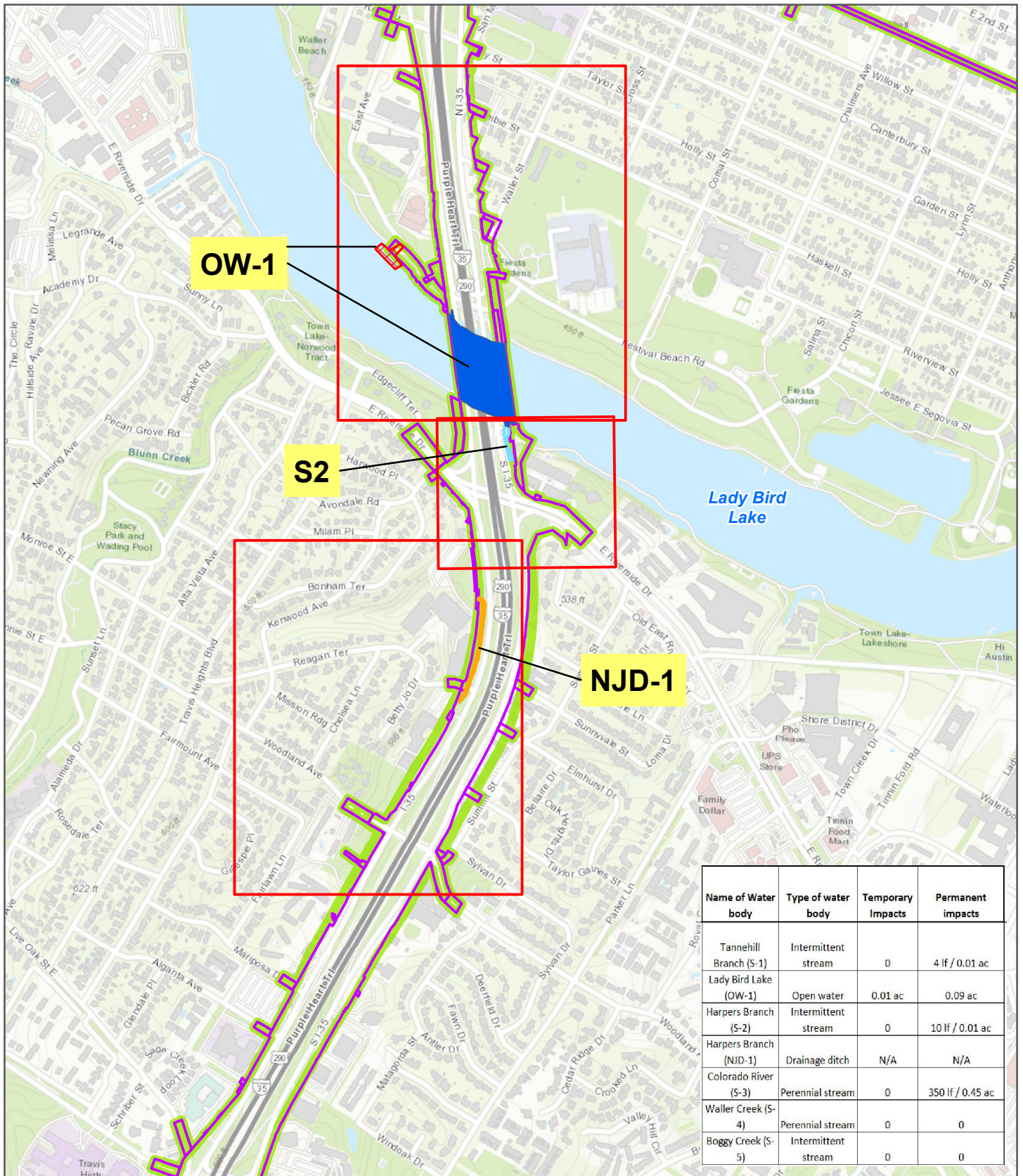
**SECTION 404 IMPACTS**

**GENERAL LOCATION**


I-35 CAPITAL EXPRESS  
CENTRAL PROJECT



TRAVIS COUNTY, TX

JUNE 2022	FIGURE I-3
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


Name of Water body	Type of water body	Temporary Impacts	Permanent impacts
Tannehill Branch (S-1)	Intermittent stream	0	4 lf / 0.01 ac
Lady Bird Lake (OW-1)	Open water	0.01 ac	0.09 ac
Harpers Branch (S-2)	Intermittent stream	0	10 lf / 0.01 ac
Harpers Branch (NJD-1)	Drainage ditch	N/A	N/A
Colorado River (S-3)	Perennial stream	0	350 lf / 0.45 ac
Waller Creek (S-4)	Perennial stream	0	0
Boggy Creek (S-5)	Intermittent stream	0	0

  
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**Legend**

-  Proposed Construction Dock
-  Open Water
-  Non Jurisdictional Drainage
-  Intermittent Stream
-  Perennial Stream
-  Alternative 3 - Study Area
-  Alternative 2 - Study Area



WILLIAMSON  
TRAVIS  
BASTROP

Project Area

**SECTION 404 IMPACTS**

**GENERAL LOCATION**

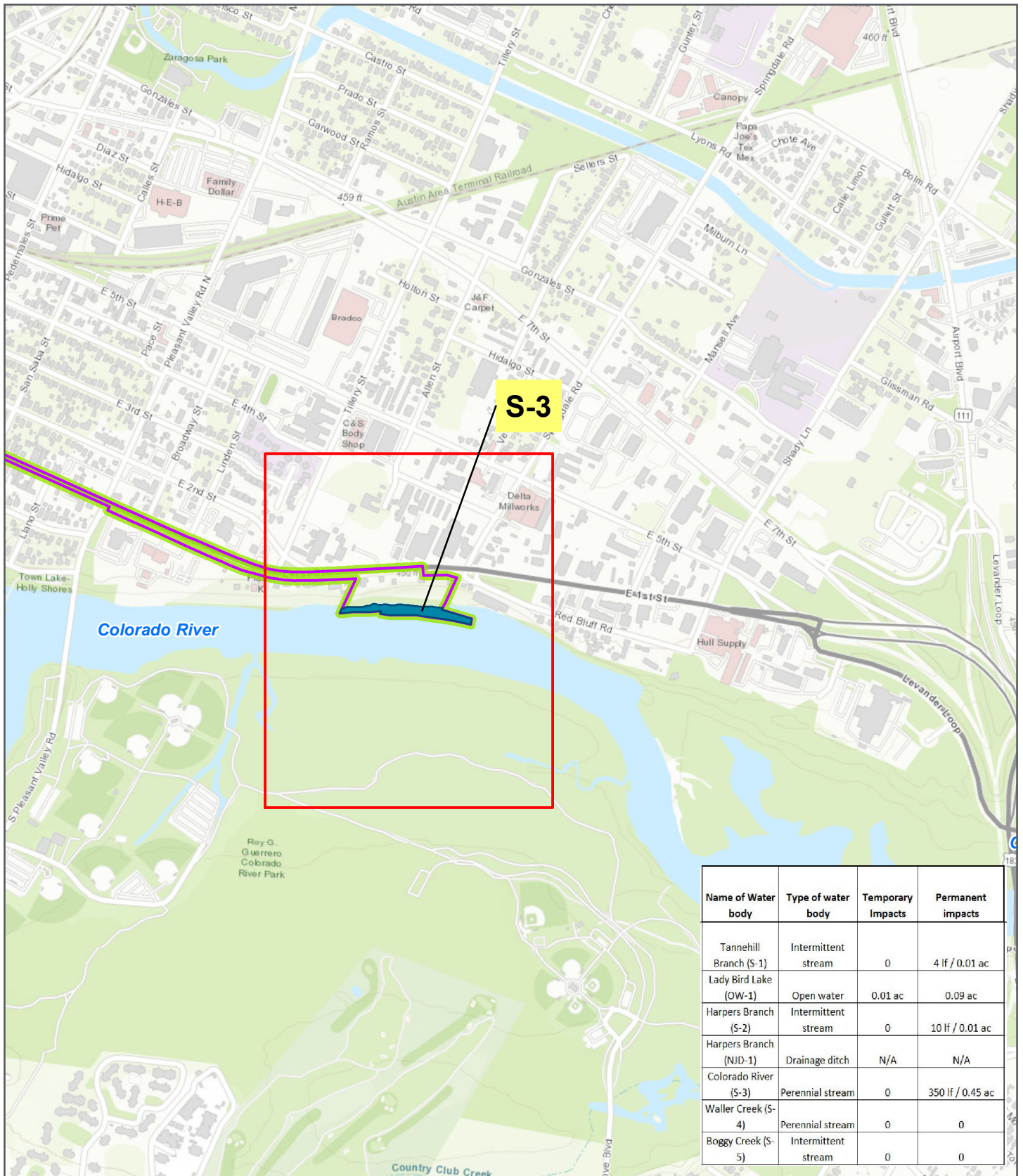
I-35 CAPITAL EXPRESS  
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TRAVIS COUNTY, TX



JUNE 2022

FIGURE 1-4











  
 0 500 1,000  
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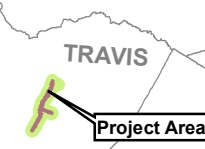
**Legend**

-  Open Water
-  Non Jurisdictional Drainage
-  Intermittent Stream
-  Perennial Stream
-  Alternative 3 - Study Area
-  Alternative 2 - Study Area

WILLIAMSON

TRAVIS

BASTROP

 Project Area

**SECTION 404 IMPACTS**

**GENERAL LOCATION**

I-35 CAPITAL EXPRESS  
CENTRAL PROJECT

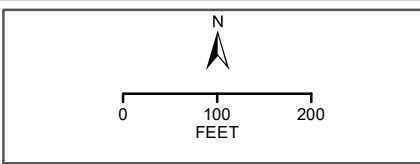
TRAVIS COUNTY, TX

JUNE 2022

FIGURE 1-5

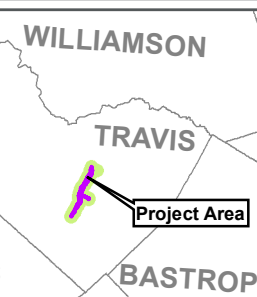


Name of water body	Type of water body	Temporary Impacts	Permanent Impacts
Tannehill Branch (S-1)	Intermittent Stream	0	4 lf / 0.01 ac



**Legend**

- ALTERNATIVE 2 - STUDY AREA
- ALTERNATIVE 3 - STUDY AREA
- OPEN WATER
- NON JURISDICTIONAL DRAINAGE
- INTERMITTENT STREAM
- PERENNIAL STREAM



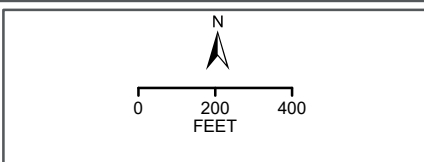
**SECTION 404 IMPACTS**

I-35 CAPITAL EXPRESS  
CENTRAL PROJECT

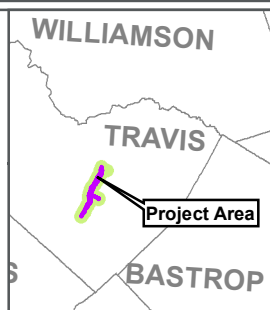
TRAVIS COUNTY, TX

JUNE 2022	FIGURE 2-1
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- Legend**
- ALTERNATIVE 2 - STUDY
  - ALTERNATIVE 3 - STUDY
  - OPEN WATER
  - NON JURISDICTIONAL DRAINAGE
  - INTERMITTENT STREAM
  - PERENNIAL STREAM



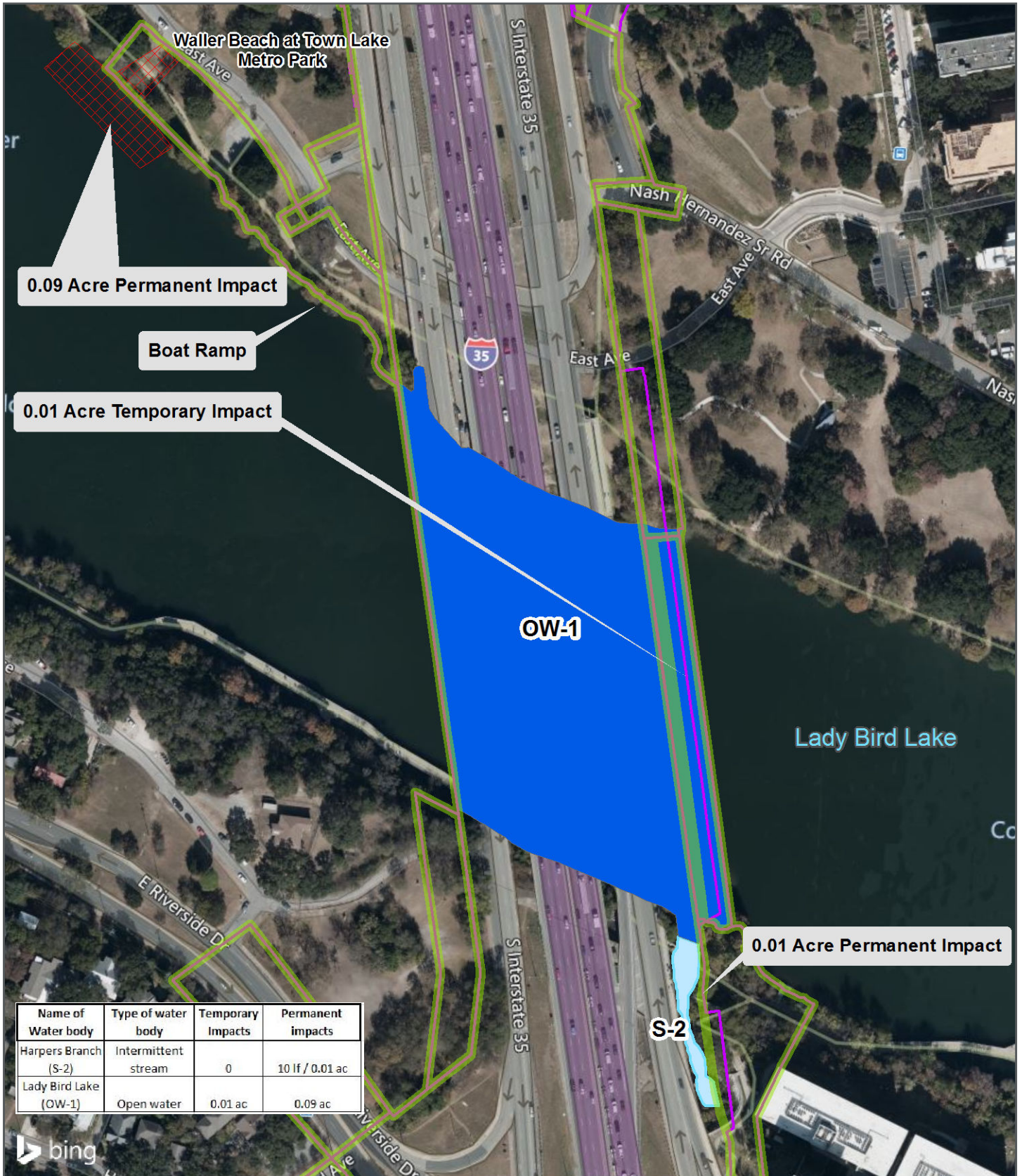
**SECTION 404 IMPACTS**

I-35 CAPITAL EXPRESS  
CENTRAL PROJECT

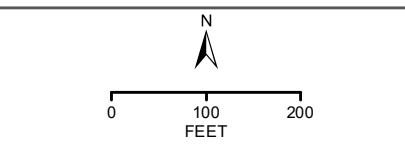
TRAVIS COUNTY, TX

JUNE 2022	FIGURE 2-2
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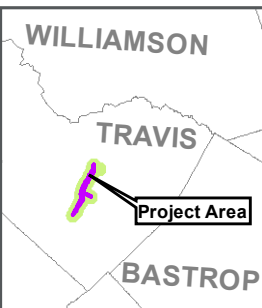


Name of Water body	Type of water body	Temporary Impacts	Permanent impacts
Harpers Branch (S-2)	Intermittent stream	0	10 lf / 0.01 ac
Lady Bird Lake (OW-1)	Open water	0.01 ac	0.09 ac



**Legend**

- ALTERNATIVE 2 - STUDY AREA
- ALTERNATIVE 3 - STUDY AREA
- OPEN WATER
- NON JURISDICTIONAL DRAINAGE
- INTERMITTENT STREAM
- PERENNIAL STREAM



**SECTION 404 IMPACTS**

I-35 CAPITAL EXPRESS  
CENTRAL PROJECT

TRAVIS COUNTY, TX

JUNE 2022	FIGURE 2-3
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# U.S. Army Corps of Engineers (USACE), Fort Worth District Pre-Application Meeting Request



<b>Box 1 Basic Project Information</b> Project Name: Capital Express Central		Date: 7/5/2022
City Austin	County Travis	State Texas
Total Size of Property in Acres Study Area: ~607 acres	Latitude (NAD 83, DD.ddddd) 30151.56	Longitude (NAD 83, -DD.ddddd) 97449.01
<b>Box 2 Property Owner Name</b> TxDOT - Austin District		Email Troy.Olney@txdot.gov
Mailing Address P.O. Drawer 15426, Austin, Texas 78761-4526		Phone 512-832-7004
<b>Box 3 Applicant Name</b> TxDOT - Austin District		Email Troy.Olney@txdot.gov
Mailing Address P.O. Drawer 15426, Austin, Texas 78761-4526		Phone 512-832-7004
<b>Box 4 Agent Name</b> N/A		Email N/A
Mailing Address N/A		Phone N/A
<b>Box 5 Information Required to Accompany Request - check as much information as is available:</b>		
<p>Project Description: Provide a brief summary of the proposed project including development plans, size in acres, potential impacts to Waters of the U.S., existing land use/cover, etc.: <input checked="" type="checkbox"/> TxDOT is proposing improvements to I-35 from US290E to US290W/SH71 in Travis County (~8 miles in length).</p> <p>The proposed improvements include the removal of the existing I-35 decks from Airport Blvd. to MLK Jr. Blvd., lowering the roadway, and adding two HOV managed lanes in each direction. One alternative would add direct connectors at I-35/US 290E. The project will also reconstruct east-west cross-street bridges, add shared-use paths (SUP), and make additional safety and mobility improvements within the project limits.</p> <p>TxDOT, in coordination with the City of Austin and the University of Texas (UT), is designing the project to accommodate potential deck plaza locations that would cover sections of the main and HOV lanes of I-35 and provide community enhancement opportunities in those areas. The City is currently evaluating potential deck plazas between Cesar Chavez St. and 8th St. UT is evaluating potential deck cap areas between Dean Keeton St. and 15th St. In addition, "stiches," or bridges with enhanced (widened) pedestrian and bicycle accommodations and amenities, are being evaluated at the following locations: the CapMetro Red Line crossing south of Airport Blvd., Wilshire Blvd., 38th 1/2 St., 32nd St., 12th St., 11th St., Holly St., and Woodland Ave.</p> <p>In addition, this project will make improvements to the drainage system including potential drainage tunnels and outfall sites. Currently, TxDOT is proposing major drainage systems along and within I-35 ROW that would discharge runoff to Harper's Branch, Lady Bird Lake, Colorado River, Waller Creek and Boggy Creek. A tunnel is proposed beginning at the Colorado River, downstream from Longhorn Dam, that would run west beneath Cesar Chavez St. below existing grade to I-35. These drainage features, except for the Cesar Chavez tunnel outfall, would be bored, beneath TxDOT and City of Austin ROW rather than installed via cut-and-cover, to minimize surface impacts.</p>		
Project Purpose: <input checked="" type="checkbox"/> Improve the exiting I-35 from US290E to US290W/SH71 in Travis County, Texas		
<input checked="" type="checkbox"/> Accurate Location Maps (from County map, USGS Quad Sheet, Aerial Photos, etc.) <input checked="" type="checkbox"/> Map of the Project Site <input type="checkbox"/> Conceptual Site Plans for the Overall Development <input checked="" type="checkbox"/> Approximate acreage of wetland impact: 0.0 acres. <input checked="" type="checkbox"/> Approximate linear feet of stream impact: ~364 linear feet. <input checked="" type="checkbox"/> Impact Type: (e.g., Forested Wetland, Emergent Wetland, Intermittent Stream, etc.) <input checked="" type="checkbox"/> Pre-Application Meeting Agenda		

**Box 6 Optional Additional Information:** Any information you can provide about the proposal, project site, and/or surrounding area will facilitate a more effective pre-application meeting. Additional information may include, but is not limited to:

- Delineation of the Waters of the U.S. on the Property or a Jurisdictional Determination from the USACE
- Threatened or Endangered Species Information, and/or Any Coordination With USFWS
- Historic Properties Cultural Resources Information, and/or Any Coordination With the SHPO
- Conceptual Mitigation Information
- Floodplain Information
- Color Photographs
- Aerial Photograph
- Other Authorizations Obtained or Required
- Other: Permitting Approach Memo

**The applicant will be responsible for taking meeting notes and submitting them to the USACE for review.**

Copies of this request may be obtained at: <http://www.swf.usace.army.mil/Missions/Regulatory.aspx>

**Please mail this form to:**

Regulatory Division (CESWF-DE-R)  
Fort Worth District  
U.S. Army Corps of Engineers  
819 Taylor Street, Room 3A37  
P.O. Box 17300  
Fort Worth, Texas 76102-0300

**From:** [Gagliano, Donna CIV](#)  
**To:** [Mario Mata Jr; D8DPBALL](#); [Frank, David M CIV](#)  
**Subject:** RE: SH 71 @ Colorado River  
**Date:** Tuesday, January 17, 2017 2:43:53 PM  
**Attachments:** [DOC.PDF](#)

---

Good afternoon,

Please see the attached document in reference to your request. The dated letter is still in effect.

Thanks,

Donna Gagliano  
Bridge Management Specialist  
(504) 671-2128  
FAX (504) 671-2133  
[Donna.Gagliano@uscg.mil](mailto:Donna.Gagliano@uscg.mil)  
[D8DPBALL@uscg.mil](mailto:D8DPBALL@uscg.mil)

-----Original Message-----

From: Mario Mata Jr [<mailto:Mario.Mata@txdot.gov>]  
Sent: Friday, January 13, 2017 9:48 AM  
To: D8DPBALL; Frank, David M CIV  
Subject: [Non-DoD Source] SH 71 @ Colorado River

The Texas Department of Transportation (TxDOT) is proposing to construct eastbound and westbound frontage roads along the existing SH 71 bridges over the Colorado River in Bastrop, Texas. Attached is a map of the project limits.

TxDOT received a letter from the USCG dated October 2, 2011 in reference to this project stating that this reach of the Colorado River was a non-navigable waterway of the United States and not subject to Coast Guard jurisdiction. The scope of the project remains the same and TxDOT is scheduled to let the project in December 2018. Barges would be used to construct the new frontage road bridges. Prior to letting the project we would like to confirm that Is the Colorado River at SH 71 still a non-navigable waterway of the United States and that the project as proposed does not require a permit from the USCG

Please contact me or Anthony Horne, TxDOT Environmental Specialist (512-832-7056, [anthony.horne@txdot.gov](mailto:anthony.horne@txdot.gov)) if you have any questions or need additional information.

Thank you,

Mario

Mario Mata, Jr.

Environmental Specialist

Environmental Affairs Division

512-416-2620

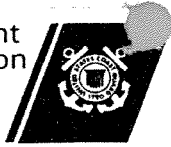


Mario.Mata@txdot.gov

#EndTheStreak <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.txdot.gov\\_inside-2Dtxdot\\_media-2Dcenter\\_psas\\_end-2Dstreak.html&d=CwMFAG&c=0NKfg44GVknAU-XkWXjNxQ&r=y13GaW4mU0ZiklimK0mFfEFpszKFadlhLzRlluHQZYg&m=j-RJ30NpMMwDPgEWqyQKSk9XdK3YbxrsJ8kJyv0Wmw&s=Fen7ZxaLsUctjIfuSc7ynJRwa0bKZRmwmGW2EM7V3U4&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.txdot.gov_inside-2Dtxdot_media-2Dcenter_psas_end-2Dstreak.html&d=CwMFAG&c=0NKfg44GVknAU-XkWXjNxQ&r=y13GaW4mU0ZiklimK0mFfEFpszKFadlhLzRlluHQZYg&m=j-RJ30NpMMwDPgEWqyQKSk9XdK3YbxrsJ8kJyv0Wmw&s=Fen7ZxaLsUctjIfuSc7ynJRwa0bKZRmwmGW2EM7V3U4&e=>)>

U.S. Department  
of Transportation

United States  
Coast Guard



Commander  
Eighth Coast Guard District  
Hale Boggs Federal Building

01 Magazine Street  
New Orleans, LA 70130-3396  
Staff Symbol: obc  
Phone: 504-589-2965  
FAX: 504-589-3063

16591A  
October 2, 2001

Mr. Michael R. Walker  
Environmental Coordinator  
Texas Department of Transportation  
P. O. Drawer 15426  
Austin, Texas 78761-5426

Dear Mr. Walker:

This is in reference to your letter dated September 24, 2001, regarding a proposed project to upgrade State Highway 71, a portion of which would involve the construction of new bridges across the Colorado River, in the City of Bastrop, Bastrop County, Texas.

At the site of the proposed bridges, the Colorado River has been determined to be a non-navigable waterway of the United States and not subject to Coast Guard jurisdiction. As a result, no Coast Guard bridge permit will be required for the project. However, we recommend adequate clearances be provided by the proposed bridges to accommodate occasional recreational boating and flooding which may exist in the area. Specifically, the bridges should be constructed to provide clearances at least as great as those of any other bridges that may exist near the proposed site.

This determination does not relieve you of your responsibility to obtain appropriate permits from any other federal or state and local agencies having jurisdiction in this matter.

If you need additional assistance, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcus N. Redford".

MARCUS N. REDFORD, P.E.  
Chief, Bridge Administration Branch  
By direction of the Commander  
Eighth Coast Guard District

## I-35 Capital Express Program (I-35 from SH45N to SH45SE): USACE Pre-Application Meeting

CSJ: 0015-13-388

### MEETING NOTES

**Date:** 9/14/2022

**Facilitator:** TxDOT/USACE - Fort Worth District

**Time:** 2:00 pm – 3:00 pm

**Location:** MS Teams

**Purpose:** Pre-Application meeting

**Invited Attendees:** Eric Dephouse – USACE, Andy Blair – TxDOT, Sonya Hernandez – TxDOT, Shirley Nichols – TxDOT, Troy Olney – TxDOT, Mario Mata – TxDOT, Tony Estes – GEC, Tricia Bruck-Hoyt – GEC, Kusay Ali – GEC, Angela McMurray – GEC, Shane Valentine – HDR, Adam Roberts – HDR, Phaisarn – HDR, Julian Summers - WSP

### NOTES

1. USACE Project Number provided: SWF-2022-00394
2. Welcome/Intro Complete by Angela
3. Shane provided an overview of proposed project
4. Brief timeline and status of the NEPA Document and delineation efforts associated with the project (Shane)
5. HDR walked through the delineation and features identified within the project area.
  - a. Eric suggested providing historical aerials for the portions of Harpers Branch that we think are non-jurisdictional with our delineation report to aid in their review.
6. Proposed permitting approach was discussed:
  - a. Team discussed if it was possible to move forward with the permits before the FEIS/ROD. Eric thought this was possible but needed to confirm.
  - b. Eric recommended using NWP 58 for the outfalls on LBL and the Colorado River
  - c. Eric noted that he would prefer to process smaller permits vs. doing them all at once. TxDOT noted that this would work well for them since the various phases of the project would be let at different times.
7. Angela briefly discussed the proposed timeline of the Section 404 permit application submittal
  - a. Tentative Phasing Plan - 5 Construction Phases starting with the drainage connections
8. Action Items/Next Steps
  - a. Mario send memo to Eric on Lead Agency/PNC needs.
  - b. Eric will follow up on if we can submit the NWP prior to the ROD.
  - c. Eric will confirm that we can submit as 3 separate permits/lumping as one big permit
  - d. TxDOT/HDR will evaluate the need to move forward with AJD submittal for Harpers Branch Vs. requesting a delineation concurrence request at time of permitting (to avoid the AJD process).
  - e. TxDOT/HDR to evaluate if a NWP 58 makes more sense than NWP 7 for outfall structures.

## Participating and Cooperating Agency Correspondence

**Participating and Cooperating Agency Correspondence – Participating and Cooperating Agency Invitation Letters**



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

Honorable Bryant J. Celestine  
Tribal Historic Preservation Officer  
Alabama-Coushatta Tribe of Texas  
571 State Park Road 56  
Livingston, TX 77351

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Honorable Bryant J. Celestine:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

Your agency has been identified as one that may have an interest in the proposed project due to the potential effects to the natural and/or human environment, and input from your agency may be required for the proposed project. TxDOT respectfully requests your agency's participation as a Cooperating Agency in the preparation of the Draft EIS and Final EIS, in accordance with 40 Code of Federal Regulations 1501.6 of the Council on Environmental Quality's Regulations for Implementing the Procedural Provision of NEPA. As a Cooperating Agency, your special expertise permits you, as requested by the Lead Agency, TxDOT, to develop information and prepare environmental analyses for the EIS.

Your agency may also choose to participate in the proposed project as a Participating Agency. Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are similar to Cooperating Agencies, but have a lesser degree of authority, responsibility, and involvement in the environmental review process.

As a Cooperating Agency, responsibilities include identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

- Providing meaningful and early input on the coordination plan, the purpose and need, the range of alternatives, and the methodologies and level of detail for analyzing alternatives.
- Participating in coordination meetings and joint field reviews as appropriate.

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- Providing timely review and comment on environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

An agency and public scoping meeting are planned for later this year. Event details are still being determined.

Please respond to TxDOT in writing, by mail or e-mail, with an acceptance or declination of the invitation within 30 days of the date of this letter. If your agency declines, the response should state your reason for declining either invitation. If you choose to decline, please specifically state in your response that your agency:

- (a) Has no jurisdiction or authority with respect to the proposed project;
- (b) Has no expertise or information relevant to the proposed project; or
- (c) Does not intend to submit comments on the proposed project.

If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
Tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

  
Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by the Federal Highway Administration (FHWA) and TxDOT. The MOU assigns to TxDOT FHWA responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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

Honorable Bobby Komardley  
Chairman  
Apache Tribe of Oklahoma  
511 E Colorado  
Anadarko, OK 73005

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Honorable Bobby Komardley:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
Tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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

Ms. Tamara Francis  
Chairman, Acting Tribal Historic Preservation Officer  
Caddo Nation of Oklahoma  
P.O. Box 487  
Binger, OK 73047

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Ms. Tamara Francis:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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- (b) Has no expertise or information relevant to the proposed project; or
- (c) Does not intend to submit comments on the proposed project.

If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
Tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

  
Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by the Federal Highway Administration (FHWA) and TxDOT. The MOU assigns to TxDOT FHWA responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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

Ms. Martina Callahan  
Tribal Historic Preservation Officer  
Comanche Nation of Oklahoma  
P.O. Box 908  
Lawton, OK 73502

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Ms. Martina Callahan:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

Your agency has been identified as one that may have an interest in the proposed project due to the potential effects to the natural and/or human environment, and input from your agency may be required for the proposed project. TxDOT respectfully requests your agency's participation as a Cooperating Agency in the preparation of the Draft EIS and Final EIS, in accordance with 40 Code of Federal Regulations 1501.6 of the Council on Environmental Quality's Regulations for Implementing the Procedural Provision of NEPA. As a Cooperating Agency, your special expertise permits you, as requested by the Lead Agency, TxDOT, to develop information and prepare environmental analyses for the EIS.

Your agency may also choose to participate in the proposed project as a Participating Agency. Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are similar to Cooperating Agencies, but have a lesser degree of authority, responsibility, and involvement in the environmental review process.

As a Cooperating Agency, responsibilities include identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

- Providing meaningful and early input on the coordination plan, the purpose and need, the range of alternatives, and the methodologies and level of detail for analyzing alternatives.
- Participating in coordination meetings and joint field reviews as appropriate.

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- Providing timely review and comment on environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

An agency and public scoping meeting are planned for later this year. Event details are still being determined.

Please respond to TxDOT in writing, by mail or e-mail, with an acceptance or declination of the invitation within 30 days of the date of this letter. If your agency declines, the response should state your reason for declining either invitation. If you choose to decline, please specifically state in your response that your agency:

- (a) Has no jurisdiction or authority with respect to the proposed project;
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7901 North I-35  
Austin, Texas 78753  
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Tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Director of Environmental Affairs

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Honorable Matt Komalty  
Chairman  
Kiowa Indian Tribe of Oklahoma  
P.O. Box 369  
Carnegie, OK 73015

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Honorable Matt Komalty:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Tbruck-c@txdot.gov

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Ms. Holly Houghten  
Tribal Historic Preservation Officer  
Mescalero Apache Tribe  
P.O. Box 227  
Mescalero, NM 88340

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Ms. Holly Houghten:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
Tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

  
Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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Mr. Mike Reynolds  
Regional Director  
National Park Service, Intermountain Region  
12795 West Alameda Parkway  
Denver, CO 80225

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Mike Reynolds:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
Tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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Mr. David Franks  
Historic Preservation Officer  
Seminole Nation of Oklahoma  
P.O. Box 1498  
Wewoka, OK 74884

CSJ: 0015-13-388

September 22, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. David Franks:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

  
Carlos Swonke (Sep 22, 2020 10:53 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by the Federal Highway Administration (FHWA) and TxDOT. The MOU assigns to TxDOT FHWA responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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Honorable Russell Martin  
President  
Tonkawa Tribe of Indians of Oklahoma  
1 Rush Buffalo Road  
Tonkawa, OK 74653

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Honorable Russell Martin:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Colonel Kenneth N. Reed  
Commander, Fort Worth District  
U.S. Army Corps of Engineers  
P.O. Box 17300  
Fort Worth, TX 76102

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Colonel Kenneth N. Reed:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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- (a) Has no jurisdiction or authority with respect to the proposed project;
- (b) Has no expertise or information relevant to the proposed project; or
- (c) Does not intend to submit comments on the proposed project.

If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
Tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by the Federal Highway Administration (FHWA) and TxDOT. The MOU assigns to TxDOT FHWA responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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Mr. Salvador Salinas  
Regional Conservationist – Central  
U.S. Department of Agriculture, Natural Resources Conservation Service  
14th and Independence Ave., SW, Room 5204-S  
Washington, DC 20250

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Salvador Salinas:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

Your agency has been identified as one that may have an interest in the proposed project due to the potential effects to the natural and/or human environment, and input from your agency may be required for the proposed project. TxDOT respectfully requests your agency's participation as a Cooperating Agency in the preparation of the Draft EIS and Final EIS, in accordance with 40 Code of Federal Regulations 1501.6 of the Council on Environmental Quality's Regulations for Implementing the Procedural Provision of NEPA. As a Cooperating Agency, your special expertise permits you, as requested by the Lead Agency, TxDOT, to develop information and prepare environmental analyses for the EIS.

Your agency may also choose to participate in the proposed project as a Participating Agency. Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are similar to Cooperating Agencies, but have a lesser degree of authority, responsibility, and involvement in the environmental review process.

As a Cooperating Agency, responsibilities include identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

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Mr. Andrew Wheeler  
Administrator, Region 6  
U.S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75270

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Andrew Wheeler:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Mr. Adam Zerrenner  
Supervisor, Austin Ecological Services Office  
U.S. Fish and Wildlife Service  
10711 Burnet Road, Ste. 200  
Austin, TX 78758-4460

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Adam Zerrenner:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Ms. Amy Lueders  
Regional Director, Southwest Region  
U.S. Fish and Wildlife Service  
P.O. Box 1306  
Albuquerque, NM 87103

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Ms. Amy Lueders:

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Tbruck-c@txdot.gov

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Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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Mr. Michael Burley  
Regional Administrator – Region 6  
U.S. Department of Housing and Urban Development  
801 Cherry Street, Unit #45, Suite 2500  
Fort Worth, Texas 76102

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Michael Burley:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Tbruck-c@txdot.gov

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Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Director of Environmental Affairs

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

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Honorable Terri Parton:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Director of Environmental Affairs

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Mr. Toby Baker  
Executive Director  
Texas Commission on Environmental Quality  
P.O. box 13087  
Austin, TX 78711-3087

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Toby Baker:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

- Providing meaningful and early input on the coordination plan, the purpose and need, the range of alternatives, and the methodologies and level of detail for analyzing alternatives.
- Using this process to address any environmental issues of concern to your agency.

An agency and public scoping meeting are planned for later this year. Event details are still being determined.

Please respond to TxDOT in writing, by mail or e-mail, with an acceptance or declination of the invitation within 30 days of the date of this letter. If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

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Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

*Carlos Swonke*

Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by Federal Highway Administration's (FHWA) and TxDOT. The MOU assigns to TxDOT the FHWA's responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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Mr. Mark Wolfe  
Executive Director  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711-2276

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Mark Wolfe:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

- Providing meaningful and early input on the coordination plan, the purpose and need, the range of alternatives, and the methodologies and level of detail for analyzing alternatives.
- Using this process to address any environmental issues of concern to your agency.

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7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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Mr. Carter Smith  
Executive Director  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, TX 78744

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Carter Smith:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

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Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Director of Environmental Affairs

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Mr. Bob Ward  
Chairman  
Travis County Historical Commission  
P.O. Box 1748  
Austin, TX 78767

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Bob Ward:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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Mr. Darrell Bazzell  
Vice President & CFO  
The University of Texas at Austin  
P.O. Box 8179  
Austin, Texas 78713-8179

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Darrell Bazzell:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

*Carlos Swonke*

Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Director of Environmental Affairs

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Honorable Bill Gravell, Jr.  
Williamson County Judge  
Williamson County Historic Courthouse  
710 S. Main Street,  
Ste. 101  
Georgetown, TX 78626

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Honorable Bill Gravell, Jr.:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

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Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

*Carlos Swonke*

Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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Mr. Ashby Johnson  
Executive Director  
Capital Area Metropolitan Planning Organization  
3300 N. IH-35, Suite 630  
Austin, TX 78705

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Ashby Johnson:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

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Thank you for your cooperation and interest in this proposed project.

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*Carlos Swonke*

Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Director of Environmental Affairs

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Mr. Randy Clarke  
President and CEO  
Capital Metropolitan Transportation Authority  
2910 East 5th Street  
Austin, TX 78702

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Randy Clarke:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

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*Carlos Swonke*

Carlos Swonke (Sep 15, 2020 14:24 CDT)

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Director of Environmental Affairs

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Mr. Spencer Cronk  
City Manager  
City of Austin  
P.O. Box 1088  
Austin, TX 78767-1088

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Spencer Cronk:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project. While coordination on the proposed project may involve multiple City of Austin departments, it is requested that the City of Austin designate a single point of contact through which all departmental reviews and feedback are coordinated.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

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in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

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tbruck-c@txdot.gov

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Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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Mr. Mike Heiligenstein  
Executive Director  
Central Texas Regional Mobility Authority  
3300 N Interstate Hwy 35 #300  
Austin, TX 78705

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Mike Heiligenstein:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

- Providing meaningful and early input on the coordination plan, the purpose and need, the range of alternatives, and the methodologies and level of detail for analyzing alternatives.
- Using this process to address any environmental issues of concern to your agency.

An agency and public scoping meeting are planned for later this year. Event details are still being determined.

Please respond to TxDOT in writing, by mail or e-mail, with an acceptance or declination of the invitation within 30 days of the date of this letter. If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

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

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Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

*Carlos Swonke*

Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by Federal Highway Administration's (FHWA) and TxDOT. The MOU assigns to TxDOT the FHWA's responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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Honorable Ruben Becerra  
Hays County Judge  
Hays County Courthouse  
111 E. San Antonio St., Ste. 300  
San Marcos, Texas 78666

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Honorable Ruben Becerra:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

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- Using this process to address any environmental issues of concern to your agency.

An agency and public scoping meeting are planned for later this year. Event details are still being determined.

Please respond to TxDOT in writing, by mail or e-mail, with an acceptance or declination of the invitation within 30 days of the date of this letter. If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

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Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by Federal Highway Administration's (FHWA) and TxDOT. The MOU assigns to TxDOT the FHWA's responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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Mr. Phil Wilson  
General Manager  
Lower Colorado River Authority  
P.O. Box 220  
Austin, TX 78767

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Phil Wilson:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

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- Using this process to address any environmental issues of concern to your agency.

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Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by Federal Highway Administration's (FHWA) and TxDOT. The MOU assigns to TxDOT the FHWA's responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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Honorable Sam Biscoe  
Travis County Judge  
PO Box 1748  
Austin, TX 78767

CSJ: 0015-13-388

September 14, 2020

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Honorable Sam Biscoe:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI).

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

- Providing meaningful and early input on the coordination plan, the purpose and need, the range of alternatives, and the methodologies and level of detail for analyzing alternatives.
- Using this process to address any environmental issues of concern to your agency.

An agency and public scoping meeting are planned for later this year. Event details are still being determined.

Please respond to TxDOT in writing, by mail or e-mail, with an acceptance or declination of the invitation within 30 days of the date of this letter. If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

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Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Sep 15, 2020 14:24 CDT)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by Federal Highway Administration's (FHWA) and TxDOT. The MOU assigns to TxDOT the FHWA's responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.



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Mr. Matthew Welbes  
Executive Director  
U.S. Department of Transportation  
Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, DC 2059

CSJ: 0015-13-388

January 29, 2021

Re: Invitation to become a Cooperating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Matthew Welbes:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI). The materials from Public Scoping Meeting #1 which was held in November/December 2020 are available at [my35capex.com](http://my35capex.com), including the coordination plan/schedule, draft project purpose and need, and the draft range of alternatives.

Your agency has been identified as one that may have an interest in the proposed project due to the potential effects to the natural and/or human environment, and input from your agency may be required for the proposed project. TxDOT respectfully requests your agency's participation as a Cooperating Agency in the preparation of the Draft EIS and Final EIS, in accordance with 40 Code of Federal Regulations 1501.6 of the Council on Environmental Quality's Regulations for Implementing the Procedural Provision of NEPA. As a Cooperating Agency, your special expertise permits you, as requested by the Lead Agency, TxDOT, to develop information and prepare environmental analyses for the EIS.

Your agency may also choose to participate in the proposed project as a Participating Agency. Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are similar to Cooperating Agencies, but have a lesser degree of authority, responsibility, and involvement in the environmental review process.

As a Cooperating Agency, responsibilities include identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

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- Providing meaningful and early input on the coordination plan, the purpose and need, the range of alternatives, and the methodologies and level of detail for analyzing alternatives.
- Participating in coordination meetings and joint field reviews as appropriate.
- Providing timely review and comment on environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

Please respond to TxDOT in writing, by mail or e-mail, with an acceptance or declination of the invitation within 30 days of the date of this letter. If your agency declines, the response should state your reason for declining either invitation. If you choose to decline, please specifically state in your response that your agency:

- (a) Has no jurisdiction or authority with respect to the proposed project;
- (b) Has no expertise or information relevant to the proposed project; or
- (c) Does not intend to submit comments on the proposed project.

Should your agency be interested in being a Cooperating Agency in the EIS process, we would like to invite you to the second virtual Agency Scoping Meeting on Tuesday, Feb. 23, 2021 from 2 p.m. to 4 p.m. An electronic calendar invitation with a link allowing you to join the meeting will be provided in advance of the meeting. This second virtual Agency Scoping Meeting will be focused on the draft alternatives evaluation criteria and will also provide an opportunity for review and comment on the coordination plan and schedule, project purpose and need, and range of alternatives.

If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,



Carlos Swonke (Jan 29, 2021 15:40 CST)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by the Federal Highway Administration (FHWA) and TxDOT. The MOU assigns to TxDOT FHWA responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.

bcc: Donald R. Koski, AICP, Deputy Regional Administrator, FTA, Region VI  
Shirley Nichols, Environmental Supervisor, Austin District, TxDOT  
Susan Fraser, P.E., Mobility35 Program Manager, Austin District, TxDOT  
Alem Workie, P.E., Capital Express Central Project Manager  
Akila Thamizharasan, P.E., Advance Project Development Director, Austin District, TxDOT  
Heather Ashley-Nguyen, P.E., Transportation Planning & Development Director, Austin District, TxDOT  
Sonya Hernandez, Environmental Program Manager, Austin District, TxDOT  
Lindsey Kimmitt, Environmental Specialist, TxDOT Environmental Affairs  
Diann Hodges, Public Information Office Director, Austin District, TxDOT  
Tricia Bruck-Hoyt, AICP, PMP, Mobility35 GEC Environmental Lead  
Connie Klose, P.E., Mobility35 GEC Deputy Program Manager



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Mr. Bobby Wilkinson  
Executive Director  
Texas Department of Housing and Community Affairs  
P.O. BOX 13941  
Austin, TX 78711-3941

CSJ: 0015-13-388

January 29, 2021

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas

Dear Mr. Bobby Wilkinson:

The Texas Department of Transportation (TxDOT) is initiating an Environmental Impact Statement (EIS) for a proposed transportation project along I-35 from US 290 East to US 290 West/SH 71 including direct connectors at I-35/US 290 East, referred to as the I-35 Capital Express Central Project. The proposed project is located in the central region of the Austin metropolitan area, in Travis County, Texas, for a distance of approximately 8 miles along I-35. The objectives of the I-35 improvements, as currently defined, are to manage and reduce congestion and improve operational efficiency; provide more reliable travel times; enhance safety; and create a more dependable and consistent route for transit, emergency responders, and other motorists traveling this major interstate. Additional information regarding the proposed project can be found in the enclosed Notice of Intent (NOI). The materials from Public Scoping Meeting #1 which was held in November/December 2020 are available at [my35capex.com](http://my35capex.com), including the coordination plan/schedule, draft project purpose and need, and the draft range of alternatives.

With this letter, we extend your agency an invitation to become a Participating Agency with TxDOT in the development of the EIS for the I-35 Capital Express Central Project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the proposed project.

Pursuant to Title 23 U.S. Code, Chapter 1, Section 139, Participating Agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the project include the following:

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Please respond to TxDOT in writing, by mail or e-mail, with an acceptance or declination of the invitation within 30 days of the date of this letter.

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If you have any questions or would like to discuss the project in more detail or our agencies' respective roles and responsibilities during preparation of this EIS, please contact:

Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
(512) 832-7256  
tbruck-c@txdot.gov

Thank you for your cooperation and interest in this proposed project.

Sincerely,

  
Carlos Swonke (Jan 29, 2021 15:39 CST)

Carlos Swonke  
Director of Environmental Affairs

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 (MOU) dated December 9, 2019, and executed by Federal Highway Administration's (FHWA) and TxDOT. The MOU assigns to TxDOT the FHWA's responsibilities under the National Environmental Policy Act (NEPA) and other environmental laws. Therefore, TxDOT is initiating this EIS in TxDOT's role as the lead federal agency under the MOU between TxDOT and the FHWA.

bcc: Shirley Nichols, Environmental Supervisor, Austin District, TxDOT  
Susan Fraser, P.E., Mobility35 Program Manager, Austin District, TxDOT  
Alem Workie, P.E., Capital Express Central Project Manager  
Akila Thamizharasan, P.E., Advance Project Development Director, Austin District, TxDOT  
Heather Ashley-Nguyen, P.E., Transportation Planning & Development Director, Austin District, TxDOT  
Sonya Hernandez, Environmental Program Manager, Austin District, TxDOT  
Lindsey Kimmitt, Environmental Specialist, TxDOT Environmental Affairs  
Diann Hodges, Public Information Office Director, Austin District, TxDOT  
Tricia Bruck-Hoyt, AICP, PMP, Mobility35 GEC Environmental Lead  
Connie Klose, P.E., Mobility35 GEC Deputy Program Manager

**Participating and Cooperating Agency Correspondence – Responses from  
Participating and Cooperating Agencies**



October 6, 2020

Mr. Carlos Swonke  
Texas Department of Transportation  
Environmental Affairs Division  
125 E. 11<sup>th</sup> Street  
Austin, TX 78701-2483

RE: CSJ 0015-13-388 Acceptance of Invitation to become a Participating Agency on TxDOT's I-35 Project from US 290E to US 290W/SH 71 in Travis County

Dear Mr. Swonke:

Thank you for your letter of September 14, 2020 inviting CAMPO staff to be a Participating Agency on the most critical project in our six-county region. We look forward to being a productive partner in expediting this initiative.

You and I have spoken several times over the last ten or so years about potential opportunities for metropolitan planning organizations (MPOs) to contribute on environmental analyses. One of our ideas was to potentially have an MPO assist in the development of purpose and need and/or potentially also assist in the development of demographic analysis that could be used in multiple environmental documents in the region. Mr. Ryan Collins on my staff has NEPA experience from his tenure at the Tennessee Department of Transportation and Ms. Doise Miers also has NEPA experience from her tenure at TxDOT where she led the IH 69 initiative. We stand ready to assist the Department at your direction.

Please call me on 512-993-6599 if you have any questions or if you need more information. We appreciate TxDOT's partnership and tremendous investment in our region's transportation network.

Sincerely,

Ashby Johnson, Executive Director  
CAMPO

AJ/kp

Cc: Mr. Tucker Ferguson, P.E., TxDOT – Austin District  
Mr. Chad McKeown, CAMPO  
Ms. Doise Miers, CAMPO  
Mr. Ryan Collins, CAMPO



Capital Metropolitan Transportation Authority  
2910 East Fifth Street | Austin, Texas 78702  
TEL 512.389.7400 | FAX 512.369.6596 | capmetro.org

October 28, 2020

Ms. Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, TX 78753

**RE: Capital Metropolitan Transportation Authority's NEPA Participation Partnership for IH-35 EIS**

Dear Ms. Bruck-Hoyt:

This is in response to Mr. Carlos Swonke's invitation letter requesting Capital Metropolitan Transportation Authority's support as a Participating Agency in the Texas Department of Transportation's (TxDOT) Environmental Impact Statement (EIS) of the I-35 Capital Express Central Project. Capital Metropolitan Transportation Authority gladly accepts your invitation to participate in this regionally significant project.

As a major transportation provider in Central Texas, Capital Metropolitan Transportation Authority places high priority on improving connectivity and in creating opportunities to ease traffic congestion in ways that make the transit experience safer, easier, and faster for all Austin residents.

We appreciate the opportunity to meaningfully engage in the NEPA process. I will be the key point of contact for this phase. Please continue to maintain the invitee list for the respective sections to maintain appropriate staff engagement.

Again, thank you for the invitation. We look forward to working with you.

Sincerely,

Sharmila Mukherjee, AICP  
EVP Planning and Development



**From:** Trimble, Michael <Mike.Trimble@austintexas.gov>  
**Sent:** Thursday, October 08, 2020 3:51 PM  
**To:** Susan Fraser; Bollich, Eric  
**Cc:** Tricia Bruck-Hoyt-C; Shirley Nichols  
**Subject:** RE: I-35 Capital Express Central Project - Invitation to become a Participating Agency - City of Austin

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

Thank you for forwarding this invitation Susan. I was actually going to follow up with you on this.

The City of Austin accepts the invitation to be a participating agency for the CapEx Central Project.

Mike

**Mike Trimble, PfMP, CNU-A**  
Director, Corridor Program Office  
City of Austin  
512-974-3442 work  
512-653-8187 mobile  
[Mike.trimble@austintexas.gov](mailto:Mike.trimble@austintexas.gov)



---

**From:** Susan Fraser [<mailto:Susan.Fraser@txdot.gov>]  
**Sent:** Thursday, October 8, 2020 2:00 PM  
**To:** Bollich, Eric <[Eric.Bollich@austintexas.gov](mailto:Eric.Bollich@austintexas.gov)>; Trimble, Michael <[Mike.Trimble@austintexas.gov](mailto:Mike.Trimble@austintexas.gov)>  
**Cc:** Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>; Shirley Nichols <[Shirley.Nichols@txdot.gov](mailto:Shirley.Nichols@txdot.gov)>  
**Subject:** FW: I-35 Capital Express Central Project - Invitation to become a Participating Agency - City of Austin

\*\*\* External Email - Exercise Caution \*\*\*

Eric/Mike – I wanted to make sure this invitation to be a participating agency for the CapEx Central project made it to your inbox. It was sent to Spencer Cronk and we have not received a response from the City yet.

Thanks,  
*Susan Fraser, PE, CFM*

Mobility35 Program Manager  
Austin District – Transportation Planning and Development  
7901 N. IH 35, Austin, TX 78753  
Phone: (512) 832-7280 | Email: [Susan.Fraser@txdot.gov](mailto:Susan.Fraser@txdot.gov)



---

**From:** Tricia Bruck-Hoyt-C  
**Sent:** Friday, September 18, 2020 5:21 PM  
**To:** [spencer.cronk@austintexas.gov](mailto:spencer.cronk@austintexas.gov)  
**Subject:** I-35 Capital Express Central Project - Invitation to become a Participating Agency - City of Austin

Please see the attached invitation to be a Participating Agency in the preparation of the I-35 Capital Express Central Environmental Impact Statement. This letter has also been mailed through the U.S. Postal Service.

Thank you,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead  
Austin District  
7901 N. IH 35, Austin, TX 78753  
Phone: (512) 832-7256 office (512) 739-9450 cell | Email: [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)

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*A Texas Department of Transportation (TxDOT) message*

**#EndTheStreakTX**

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

# COMANCHE NATION



Texas Department of Transportation  
Attn: Ms. Tricia Bruck-Hoyt  
7901 North I-35  
Texas 78753

January 7, 2021

Re: I-35 Capital Express Central Project – Invitation to become a  
Cooperating Agency

Dear Ms. Bruck- Hoyt:

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of “*No Properties*” have been identified. (IAW 36 CFR 800.4(d)(1)).

Please contact this office at (580) 595-9960/9618) if you require additional information on this project.

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office.

Regards

Comanche Nation Historic Preservation Office  
Theodore E. Villicana , Technician  
#6 SW “D” Avenue, Suite C  
Lawton, OK. 73502

Consult Response delayed due to Covid-19 work conditions.

**From:** Robert Goode <[rgoode@ctrma.org](mailto:rgoode@ctrma.org)>  
**Sent:** Tuesday, October 06, 2020 3:48 PM  
**To:** Tricia Bruck-Hoyt-C  
**Cc:** Justin Word; Oscar Solis  
**Subject:** RE: 0015-13-388 Invitation to become Participating Agency on IH 35 from US 290 East to US 290 West/State Hwy 71

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

Tricia,

The Central Texas Regional Mobility Authority received your invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH71) in Travis County (CSJ: 0015-13-388).

We accept your invitation to participate with you on this important regional project.

Please feel free to contact me on any future correspondence. Contact info below.

Robert D. Goode, Deputy Executive Director  
[rgoode@ctrma.org](mailto:rgoode@ctrma.org)  
512 450-6287

Central Texas Regional Mobility Authority  
3300 N. IH 35  
Suite 300  
Austin, TX 78705

Thank you

**From:** [Plaskon, Terence \(FTA\)](#)  
**To:** [Tricia Bruck-Hoyt-C](#)  
**Cc:** [Lyssy, Gail \(FTA\)](#); [Koski, Donald \(FTA\)](#); [Adam Kaliszewski](#)  
**Subject:** TxDOT I-35 Capital Express Central Project - invitation to participate  
**Date:** Monday, February 1, 2021 8:46:50 PM

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

Tricia,

The Federal Transit Administration (FTA) is in receipt of your letter to us of January 29, 2021 for the **I-35 Capital Express Central Project**. We thank you for the invitation to serve as a cooperating agency in the preparation of the project's environmental impact statement (EIS); however, we feel the more appropriate role for FTA is to serve as a participating agency in the review process since we don't have jurisdiction by law nor the resources to develop information and prepare analysis, including portions of the EIS. Kindly include me as the FTA point-of-contact for the project going forward.

Respectfully, FTA requests TxDOT invite the Capital Metropolitan Transportation Authority (Capital Metro) to participate in the EIS in similar fashion, if you have not done so already. As you know, Capital Metro is making major investments in proposed transportation improvements to the Austin region and would provide keen insight to your work.

Again, thank you for your invitation. We look forward to our continuing collaborative relationship.

Terence Plaskon  
Regional Environmental Protection Specialist  
Federal Transit Administration, Region 6  
819 Taylor St., #14A02 Fort Worth, TX 76102  
(817) 978-0573 | [terence.plaskon@dot.gov](mailto:terence.plaskon@dot.gov)

**From:** [Storms, David A](#)  
**To:** [Tricia Bruck-Hoyt-C](#)  
**Subject:** HUD EIS Correspondence  
**Date:** Wednesday, November 04, 2020 9:10:12 AM  
**Attachments:** [image002.png](#)  
[Scanned from a Xerox multifunction device.pdf](#)

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

Hi Tricia-

Traditionally, I believe, this type of correspondence would be sent directly to me instead of our Regional Administrator- who would route this to me anyway. Could this possibly be changed back?

For this particular project, we see no current or future impacts to HUD-funded assets, therefore we'll decline participating as a cooperating or participating agency.

Thanks!

*David*

David A. Storms  
Regional Environmental Officer  
U.S. Department of Housing and Urban Development  
Office of Environment and Energy  
307 W. 7<sup>th</sup> Street, Suite 1000  
Fort Worth, TX 76102  
(817) 978-5540

[Environmental Review - HUD Exchange](#)





Via electronic mail to [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)

September 30, 2020

Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/ TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753

CSJ: 0015-13-388

Re: Invitation to become a Participating Agency on the proposed Texas Department of Transportation project along Interstate Highway 35 (I-35) from US Highway 290 (US 290) East to US 290 West/State Highway 71 (SH 71) in Travis County, Texas (I-35 Capital Express Central Project)

Dear Ms. Bruck-Hoyt:

Thank you for extending an invitation to the Lower Colorado River Authority (LCRA) to become a Participating Agency in the development of the EIS for the I-35 Capital Express Central Project. LCRA appreciates the invitation, but respectfully declines to participate.

If you have any questions or comments, please contact Patti Hershey at (512) 578-3385 or [Patti.Hershey@lcra.org](mailto:Patti.Hershey@lcra.org).

Sincerely,

A handwritten signature in black ink that reads 'Phil Wilson'. The signature is written in a cursive, flowing style.

Phil Wilson  
General Manager

cc: Carlos Swonke  
Director of Environmental Affairs  
Texas Department of Transportation  
125 East 11<sup>th</sup> Street  
Austin, Texas 78701-2483

**From:** Knowlton, Roger A. <Roger\_Knowlton@nps.gov>  
**Sent:** Sunday, October 18, 2020 7:06 PM  
**To:** Tricia Bruck-Hoyt-C; Reynolds (DEVA), Mike L; Newkirk De La Garza, Marta; Sherwood, Krista  
**Cc:** Bryson, Robert; Gabriel, Christine  
**Subject:** Re: [EXTERNAL] I-35 Capital Express Central Project - CSJ: 0015-13-388 - Virtual Agency Scoping Meeting Invitation - National Park Service

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

Ms. Tricia Bruck-Hoyt,

Thank you for your invitation to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The proposed improvements include adding two, non-tolled managed lanes in each direction along I-35 from US 290 East to SH 71/Ben White Boulevard, with additional flyovers at I-35 and US 290 East. The proposed project also includes reconstructed ramps, bridges and intersections; improved frontage roads; enhanced bicycle and pedestrian paths; and transit accommodations.

The Recreation Grant Programs, Midwest Region of the NPS, accepts your invitation as a cooperating agency, in a limited capacity, within the provisions of the Land and Water Conservation Fund (LWCF) program as it relates to LWCF grants associated with this road project.

This activity will require coordination with the State of Texas Parks and Wildlife Department (TPWD). The National Park Service (NPS) has authorized the Recreation Grants Branch of the Texas State Parks Division, of the TPWD to act as our designated representative to coordinate and consult in these matters. Ms. Dana Lagarde, Director of Recreation Grants, State Parks Division is our lead contact. [Dana.Lagarde@tpwd.texas.gov](mailto:Dana.Lagarde@tpwd.texas.gov)

I wanted to check on and let you know which particular LWCF 6F assisted sites could possibly be affected. Our LWCF data base is down for much needed upgrades, and we have been teleworking since March. TPWD will be better able to provide specific, local grant/site information.

Please provide Ms. Lagarde, or her representatives, the same information that you would share with NPS, if you are not doing so already.

We look forward to working with you.

Thank you,

Roger



Roger Knowlton  
Regional Manager, Recreation Grants  
601 Riverfront Drive, Omaha NE 68102  
[roger\\_knowlton@nps.gov](mailto:roger_knowlton@nps.gov)  
Office: (402) 661-1558  
Work Cell: (402) 599-9376

---

**From:** Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>  
**Sent:** Friday, October 16, 2020 5:04 PM  
**To:** Reynolds (DEVA), Mike L <[Mike\\_Reynolds@nps.gov](mailto:Mike_Reynolds@nps.gov)>; Newkirk De La Garza, Marta <[Marta\\_Newkirk\\_De\\_La\\_Garza@nps.gov](mailto:Marta_Newkirk_De_La_Garza@nps.gov)>; Sherwood, Krista <[Krista\\_Sherwood@nps.gov](mailto:Krista_Sherwood@nps.gov)>; Knowlton, Roger A. <[Roger\\_Knowlton@nps.gov](mailto:Roger_Knowlton@nps.gov)>  
**Subject:** [EXTERNAL] I-35 Capital Express Central Project - CSJ: 0015-13-388 - Virtual Agency Scoping Meeting Invitation - National Park Service

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Please see the attached invitation to a **virtual** Agency Scoping Meeting for the I-35 Capital Express Central Environmental Impact Statement. This letter has also been mailed through the U.S. Postal Service.

Thanks,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead  
Austin District  
7901 N. IH 35, Austin, TX 78753  
Phone: (512) 832-7256 office (512) 739-9450 cell | Email: [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)

**From:** Suzanne Walsh <Suzanne.Walsh@tpwd.texas.gov>  
**Sent:** Thursday, October 01, 2020 11:17 AM  
**To:** Tricia Bruck-Hoyt-C  
**Subject:** TXDOT EIS Participating Agency - 1-35 from US 290 E to US 290W/SH71

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Thank you for your letter of September 14, 2020 inviting the Texas Parks and Wildlife Department (TPWD) to become a Participating Agency for the preparation of an Environmental Impact Statement for I-35 from US 290 E to US 290 W/SH 71 in Travis County (CSJ:0015-13-388). TPWD appreciates the opportunity to participate in the environmental review process, and this email acknowledges that TPWD will act as a participating agency for this project. If you have any questions, please contact me at (512) 389-4579.

Sincerely,

Suzanne Walsh  
Transportation Conservation Coordinator  
Wildlife Division – Wildlife Habitat Assessment Program  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, TX 78744  
Phone: (512) 389-4579  
[Suzanne.Walsh@tpwd.texas.gov](mailto:Suzanne.Walsh@tpwd.texas.gov)

**From:** Tricia Bruck-Hoyt-C  
**Sent:** Wednesday, September 30, 2020 9:53 AM  
**To:** 'Charlie Watts'  
**Cc:** Shirley Nichols; Shelly Eason; Sonya Hernandez; Heather Ashley-Nguyen; Susan Fraser; Adam Kaliszewski; Valentine, Shane; Sara Behunek-C; Nicholas Barbera-C; Connie Klose-C  
**Subject:** RE: I 35 EIS Participating Agency (Travis County)

Charlie,

Thank you for your response and we look forward to working with Travis County on this project. We will add these names to our contact list.

Thanks,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead  
Austin District  
7901 N. IH 35, Austin, TX 78753  
Phone: (512) 832-7256 office (512) 739-9450 cell | Email: [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)

---

**From:** Charlie Watts [<mailto:Charlie.Watts@traviscountytexas.gov>]  
**Sent:** Wednesday, September 30, 2020 9:37 AM  
**To:** Tricia Bruck-Hoyt-C <[TBRUCK-C@txdot.gov](mailto:TBRUCK-C@txdot.gov)>  
**Cc:** Cynthia McDonald <[Cynthia.McDonald@traviscountytexas.gov](mailto:Cynthia.McDonald@traviscountytexas.gov)>; Sydnia Crosbie <[Sydnia.Crosbie@traviscountytexas.gov](mailto:Sydnia.Crosbie@traviscountytexas.gov)>; Jon White <[Jon.White@traviscountytexas.gov](mailto:Jon.White@traviscountytexas.gov)>; Morgan Cotten <[Morgan.Cotten@traviscountytexas.gov](mailto:Morgan.Cotten@traviscountytexas.gov)>; Scheleen Walker <[Scheleen.Walker@traviscountytexas.gov](mailto:Scheleen.Walker@traviscountytexas.gov)>; David Greear <[David.Greear@traviscountytexas.gov](mailto:David.Greear@traviscountytexas.gov)>; Cathy Stephens <[Cathy.Stephens@traviscountytexas.gov](mailto:Cathy.Stephens@traviscountytexas.gov)>  
**Subject:** I 35 EIS Participating Agency (Travis County)

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

Travis County accepts the invitation to participate in the EIS for the I35 project. Please include the following as the main notification contacts:

Cynthia McDonald [Cynthia.Mcdonald@traviscountytexas.gov](mailto:Cynthia.Mcdonald@traviscountytexas.gov)  
Jon White ([Jon.White@traviscountytexas.gov](mailto:Jon.White@traviscountytexas.gov))  
Morgan Cotten [Morgan.Cotten@traviscountytexas.gov](mailto:Morgan.Cotten@traviscountytexas.gov)  
Scheleen Walker [Scheleen.Walker@traviscountytexas.gov](mailto:Scheleen.Walker@traviscountytexas.gov)

With cc's to:

David Greear [David.Greear@traviscountytexas.gov](mailto:David.Greear@traviscountytexas.gov)  
Cathy Stephens [Cathy.Stephens@traviscountytexas.gov](mailto:Cathy.Stephens@traviscountytexas.gov)  
Charlie Watts [Charlie.Watts@traviscountytexas.gov](mailto:Charlie.Watts@traviscountytexas.gov)

Thank you,

**Charlie Watts, AICP**

Planning Project Manager  
Travis County, Transportation and Natural Resources  
P.O. Box 1748  
700 Lavaca Street, 7<sup>th</sup> Floor  
Austin, Texas 78767-1748  
Ph: (512) 854-7654  
[charlie.watts@traviscountytexas.gov](mailto:charlie.watts@traviscountytexas.gov)

---

**From:** Sydnie Crosbie <[Sydnie.Crosbie@traviscountytexas.gov](mailto:Sydnie.Crosbie@traviscountytexas.gov)>  
**Sent:** Tuesday, September 29, 2020 3:53 PM  
**To:** Charlie Watts <[Charlie.Watts@traviscountytexas.gov](mailto:Charlie.Watts@traviscountytexas.gov)>; David Greear <[David.Greear@traviscountytexas.gov](mailto:David.Greear@traviscountytexas.gov)>  
**Cc:** Kimberly Guerra <[Kimberly.Guerra@traviscountytexas.gov](mailto:Kimberly.Guerra@traviscountytexas.gov)>; Cathy Stephens <[Cathy.Stephens@traviscountytexas.gov](mailto:Cathy.Stephens@traviscountytexas.gov)>; Cynthia McDonald <[Cynthia.McDonald@traviscountytexas.gov](mailto:Cynthia.McDonald@traviscountytexas.gov)>; Anna Bowlin <[Anna.Bowlin@traviscountytexas.gov](mailto:Anna.Bowlin@traviscountytexas.gov)>  
**Subject:** FW: TxDOT Letter

Charlie and David,

I am passing along this letter the County has received inviting us to be a participating agency on a TxDOT project.

Be well,  
Sydnie

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**From:** Kimberly Guerra <[Kimberly.Guerra@traviscountytexas.gov](mailto:Kimberly.Guerra@traviscountytexas.gov)>  
**Sent:** Monday, September 28, 2020 10:37 AM  
**To:** Sydnie Crosbie <[Sydnie.Crosbie@traviscountytexas.gov](mailto:Sydnie.Crosbie@traviscountytexas.gov)>  
**Subject:** TxDOT Letter

Good Morning Sydnie,

The attached letter was in your mailbox. Please let me know who this letter should go to.

Thank you,

**\*Temporary Schedule - In Office: Mondays 7:30AM - 12:00PM, Telework: Mondays 12:00PM - 4:30PM, Tuesdays - Fridays 7:30AM - 4:30PM**

**Kimberly Guerra / TNR Executive Assistant**

Transportation and Natural Resources

700 Lavaca St., Suite 700 | Austin, TX 78701

Ph: (512) 854-4237 | [Kimberly.Guerra@traviscountytexas.gov](mailto:Kimberly.Guerra@traviscountytexas.gov)



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

October 22, 2020

Regulatory Division

SUBJECT: Project Number SWF-2020-00386; I-35 Capitol Express Central Project

Ms. Tricia Bruck-Hoyt  
Texas Department of Transportation  
Austin District  
7901 North I-35  
Austin, Texas 78753  
[Tbruck-c@txdot.gov](mailto:Tbruck-c@txdot.gov)

Dear Ms. Bruck-Hoyt:

This letter is in regard to information received September 22, 2020, concerning a request by the Texas Department of Transportation for the U.S. Army Corps of Engineers (USACE), Fort Worth District, to participate as a cooperating agency in the preparation of an Environmental Impact Statement (EIS) for the I-35 Capitol Express Central Project in Travis County, Texas. The lead agency for the preparation of the EIS is the Texas Department of Transportation (TxDOT) via memorandum of understanding (MOU) between the TxDOT and the Federal Highway Administration (FHWA). This project has been assigned Project Number SWF-2020-00386. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act, the USACE regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Any such discharge or work requires Department of the Army authorization in the form of a permit. Based on our review of possible alignments for the proposed project, including an initial assessment of potential crossings of wetlands and other water features, it has been determined that the proposed project appears to require authorization in accordance with Section 404. Because we have jurisdiction by law, we agree to be included as a cooperating agency for the preparation of the EIS in accordance with 40 CFR Part 1501.6 of the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.

For your information, please refer to the Fort Worth District Regulatory Division homepage at <http://www.swf.usace.army.mil/Missions/regulatory.aspx> and particularly guidance on submittals at <https://swf-apps.usace.army.mil/pubdata/enviro/regulatory/handouts/submittalforlinearprojectsjul282003.pdf>, and mitigation at <http://www.swf.usace.army.mil/Missions/Regulatory/Permitting/Mitigation.aspx> that may help you prepare future requests.

If you have any questions about the evaluation of your submittal or would like to request a copy of one of the documents referenced above, please contact Mr. Darwin Messer at the address above, [darwin.messer@usace.army.mil](mailto:darwin.messer@usace.army.mil), or telephone (817) 886-1744 and refer to your assigned project number.

Sincerely,

For: Brandon W. Mobley  
Chief, Regulatory Division



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270-2102

October 14, 2020

Carlos Swonke, P.G., Director  
Environmental Affairs Division  
Texas Department of Transportation  
125 East 11th Street  
Austin, Texas 78701

Dear Mr. Swonke:

This letter is in response to the Texas Department of Transportation (TxDOT) request to the Environmental Protection Agency (EPA) to become a cooperating agency in the development of a National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) for the I-35 Capital Express Central Project in Travis County, Texas. The EIS will analyze the impacts of the proposed project to the human and natural environment.

EPA agrees to participate in this proposed project as a cooperating agency. As a cooperating agency, EPA will:

- provide expertise on NEPA compliance and other subject matter such as wetlands, water quality, air quality, and environmental justice, during the EIS planning and development;
- provide timely technical reviews and comments on preliminary documents, reports, analyses, and sections of the EIS;
- participate in meetings and provide information as requested by TxDOT, as resources allow;
- provide sources for information or support in the analysis of such information, when known, during preparation of the EIS in areas in which EPA has expertise; and
- review and comment on the EIS pursuant to our regulatory responsibilities under Section 309 of the Clean Air Act.

The EPA anticipates that a cooperative team approach will streamline the environmental process and result in a high quality EIS. If you have any further questions, please contact Robert Houston at (214) 665-8565 or [houston.robert@epa.gov](mailto:houston.robert@epa.gov).

Sincerely,

Arturo J. Blanco  
Director  
Office of Communities, Tribes and  
Environmental Assessment



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

Post Office Box 1306  
Albuquerque, New Mexico 87103



In Reply Refer To:  
FWS/IR06/IR08/ES-ER/073547

October 16, 2020

Mr. Carlos Swonke  
Texas Department of Transportation  
125 East 11<sup>th</sup> Street  
Austin, Texas 78701-2483

Dear Mr. Swonke:

Thank you for your September 14, 2020, letter regarding the proposed transportation project along Interstate Highway 35 (I-35) from U.S. Highway 290 (U.S. 290) East to U.S. 290 West/State Highway 71 (SH 71) in Travis County, Texas. The Texas Department of Transportation (TxDOT) has published a Notice of Intent to prepare an Environmental Impact Statement (EIS) for this project in the Federal Register on August 12, 2020. We have also reviewed TxDOT's project vicinity map for the project at [www.my35.org/capital-project-capital-express-central.htm](http://www.my35.org/capital-project-capital-express-central.htm). The U.S. Fish and Wildlife Service (Service) has been identified as an agency that may have interest in potential impacts of the proposed project. For this reason, TxDOT is offering the Service the opportunity to participate as a Cooperating Agency in the preparation of a draft and final EIS under the National Environmental Policy Act.

We agree that the EIS should contain a robust analysis of potential impacts to fish and wildlife resources within the project area. Based on our review of the proposed project description and project area, we do not intend to submit information or comments during scoping. Therefore, we respectfully decline the invitation to be a Cooperating Agency for the I-35 Capital Expressway Central project. If future analysis determines there may be effects to listed species, we would complete consultation pursuant to the Endangered Species Act at that time.

We would appreciate receiving updates on the project status and look forward to reviewing the draft EIS when it becomes available. If you have any questions, please contact Peter Fasbender, Assistant Regional Director, Ecological Services, at 505-248-6671. Thank you for continuing to conserve our fish and wildlife resources.

Sincerely,

Regional Director



cc (electronic copy):

Field Supervisor, Ecological Services, Austin, TX

Texas Transportation Liaison, Ecological Services, Austin, TX

Program Leader, Texas Parks and Wildlife Department, Austin, TX,

Attention: Laura Zebehazy,



**OFFICE OF THE SENIOR VICE PRESIDENT AND CHIEF FINANCIAL OFFICER  
THE UNIVERSITY OF TEXAS AT AUSTIN**

---

P.O Box 8179 • Austin, Texas 78713-8179 • 512-471-1422 • FAX 512-471-7742  
<https://financial.utexas.edu>

October 14, 2020

Tricia Bruck-Hoyt, PMP, AICP  
Mobility35 Program/TxDOT Austin District  
7901 North I-35  
Austin, Texas 78753  
[tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)

Dear Tricia Bruck-Hoyt,

On September 14, 2020, I received an invitation from Director of Environmental Affairs Carlo Swonke requesting that The University of Texas at Austin become a participating agency with Texas Department of Transportation (TxDOT) in the development of the Environmental Impact Statement for the I-35 Capital Express Central project along Interstate Highway 35 from US Highway 290 East to State Highway 71/Ben White Boulevard in Travis County, Texas.

I am writing to accept your invitation and confirm the interest of The University of Texas at Austin to become a participating agency in this environmental impact analysis and statement. Assistant Vice President for Campus Safety Jimmy Johnson will be the University contact. He can be reached at [Jimmy.Johnson@austin.utexas.edu](mailto:Jimmy.Johnson@austin.utexas.edu).

Please let me know if you need further information.

Sincerely,

A handwritten signature in cursive script that reads "Darrell Bazzell".

Darrell Bazzell  
Senior Vice President and Chief Financial Officer

c: Jimmy Johnson, Assistant Vice President for Campus Safety  
Jay Dyer, Deputy to the President for Government Relations  
David Darling, Associate Vice President for Facilities Planning and Management  
Tara Trower, Chief of Staff

**Participating and Cooperating Agency Correspondence – Participating and Cooperating Agency Invitation to Agency Scoping Meeting #1**



P.O. BOX 15426, AUSTIN, TEXAS 78761 | 512.832.7000 | WWW.TXDOT.GOV

October 15, 2020

Mr. Bryant J. Celestine  
Alabama-Coushatta Tribe of Texas  
571 State Park Road 56  
Livingston, TX 77351

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Bryant J. Celestine:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

At this time, we would like to invite you to the I-35 Capital Express Central Project **virtual** Agency Scoping Meeting on Thursday, Nov. 12, 2020 from 2 p.m. to 4 p.m. An electronic calendar invitation with a WebEx link allowing you to join the meeting will be provided in advance of the meeting. The meeting will include a presentation of the draft agency coordination plan, draft project schedule, draft purpose and need for the project and draft range of alternatives. We will provide draft versions of these materials prior to the virtual Agency Scoping Meeting as an attachment to the electronic calendar invitation.

The scoping meeting materials will also be available from Thursday, Nov. 12, 2020 at 5 p.m., through Saturday, Dec. 12, 2020 at [mobility35openhouse.com](http://mobility35openhouse.com). Please return your comments by Dec. 12, 2020 to Tricia Bruck-Hoyt at [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov).

If you have any questions or would like to discuss the project in more detail, please contact: Tricia Bruck-Hoyt at (512) 832-7256 or [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov).

Thank you for your cooperation and interest in this proposed project.

Sincerely,

Shirley Nichols  
Environmental Supervisor, Austin District, TxDOT

*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.*



P.O. BOX 15426, AUSTIN, TEXAS 78761 | 512.832.7000 | WWW.TXDOT.GOV

October 15, 2020

The Honorable Bobby Komardley  
Apache Tribe of Oklahoma  
511 E Colorado  
Anadarko, OK 73005

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear The Honorable Bobby Komardley:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

At this time, we would like to invite you to the I-35 Capital Express Central Project **virtual** Agency Scoping Meeting on Thursday, Nov. 12, 2020 from 2 p.m. to 4 p.m. An electronic calendar invitation with a WebEx link allowing you to join the meeting will be provided in advance of the meeting. The meeting will include a presentation of the draft agency coordination plan, draft project schedule, draft purpose and need for the project and draft range of alternatives. We will provide draft versions of these materials prior to the virtual Agency Scoping Meeting as an attachment to the electronic calendar invitation.

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If you have any questions or would like to discuss the project in more detail, please contact: Tricia Bruck-Hoyt at (512) 832-7256 or [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov).

Thank you for your cooperation and interest in this proposed project.

Sincerely,

Shirley Nichols  
Environmental Supervisor, Austin District, TxDOT

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October 15, 2020

Ms. Tamara Francis  
Caddo Nation of Oklahoma  
P.O. Box 487  
Binger, OK 73047

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Ms. Tamara Francis:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. Ashby Johnson  
Capital Area Metropolitan Planning Organization  
3300 N. IH-35, Suite 630  
Austin, TX 78705

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Ashby Johnson:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Ms. Sharmila Mukherjee  
Capital Metropolitan Transportation Authority  
2910 East 5th Street  
Austin, TX 78702

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Ms. Sharmila Mukherjee:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. Mike Trimble  
City of Austin  
P.O. Box 1088  
Austin, TX 78767-1088

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Mike Trimble:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Ms. Martina Callahan  
Comanche Nation of Oklahoma  
P.O. Box 908  
Lawton, OK 73502

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Ms. Martina Callahan:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. Robert Goode  
Central Texas Regional Mobility Authority  
3300 N Interstate Hwy 35 #300  
Austin, TX 78705

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Robert Goode:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. Andrew Wheeler  
U.S. Environmental Protection Agency  
1201 Elm Street  
Suite 500  
Dallas, TX 75270

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Andrew Wheeler:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

The Honorable Ruben Becerra  
Hays County Courthouse  
111 E. San Antonio St., Ste. 300  
San Marcos, TX 78666

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Judge Ruben Becerra:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. Michael Burley  
U.S. Department of Housing and Urban Development  
801 Cherry Street, Unit #45  
Suite 2500  
Fort Worth, TX 76102

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Michael Burley:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

The Honorable Matt Komalty  
Kiowa Indian Tribe of Oklahoma  
P.O. Box 369  
Carnegie, OK 73015

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear The Honorable Matt Komalty:

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October 15, 2020

Ms. Holly Houghten  
Mescalero Apache Tribe  
P.O. Box 227  
Mescalero, NM 88340

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Ms. Holly Houghten:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. Mike Reynolds  
National Park Service, Intermountain Region  
12795 West Alameda Parkway  
Denver, CO 80225

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Mike Reynolds:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. David Franks  
Seminole Nation of Oklahoma  
P.O. Box 1498  
Wewoka, OK 74884

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. David Franks:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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If you have any questions or would like to discuss the project in more detail, please contact: Tricia Bruck-Hoyt at (512) 832-7256 or [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov).

Thank you for your cooperation and interest in this proposed project.

Sincerely,

Shirley Nichols  
Environmental Supervisor, Austin District, TxDOT

*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.*



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October 15, 2020

Mr. Toby Baker  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Toby Baker:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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Sincerely,

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Environmental Supervisor, Austin District, TxDOT

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October 15, 2020

Mr. Mark Wolfe  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711-2276

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Mark Wolfe:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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Thank you for your cooperation and interest in this proposed project.

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Environmental Supervisor, Austin District, TxDOT

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October 15, 2020

The Honorable Russell Martin  
Tonkawa Tribe of Indians of Oklahoma  
1 Rush Buffalo Road  
Tonkawa, OK 74653

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear The Honorable Russell Martin:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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Sincerely,

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Environmental Supervisor, Austin District, TxDOT

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October 15, 2020

Ms. Suzanne Walsh  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, TX 78744

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Ms. Suzanne Walsh:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

At this time, we would like to invite you to the I-35 Capital Express Central Project **virtual** Agency Scoping Meeting on Thursday, Nov. 12, 2020 from 2 p.m. to 4 p.m. An electronic calendar invitation with a WebEx link allowing you to join the meeting will be provided in advance of the meeting. The meeting will include a presentation of the draft agency coordination plan, draft project schedule, draft purpose and need for the project and draft range of alternatives. We will provide draft versions of these materials prior to the virtual Agency Scoping Meeting as an attachment to the electronic calendar invitation.

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Environmental Supervisor, Austin District, TxDOT

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October 15, 2020

The Honorable Sam Biscoe  
Travis County Commissioners Court  
P.O. Box 1748  
Austin, TX 78767

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Judge Sam Biscoe:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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Environmental Supervisor, Austin District, TxDOT

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October 15, 2020

Mr. Bob Ward  
Travis County Historical Commission  
P.O. Box 1748  
Austin, TX 78767

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Bob Ward:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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Environmental Supervisor, Austin District, TxDOT

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October 15, 2020

Colonel Kenneth N. Reed  
U.S. Army Corps of Engineers  
P.O. Box 17300  
Fort Worth, TX 76102

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Colonel Kenneth N. Reed:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. Salvador Salinas  
U.S. Department of Agriculture, Natural Resources Conservation Service  
14th and Independence Ave., SW, Room 5204-S  
Washington, DC 20250

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Salvador Salinas:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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October 15, 2020

Mr. Jimmy Johnson  
The University of Texas at Austin  
P.O. Box 8179  
Austin, TX 78713-8179

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Mr. Jimmy Johnson:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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Environmental Supervisor, Austin District, TxDOT

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October 15, 2020

The Honorable Terri Parton  
Wichita and Affiliated Tribes  
P.O. Box 729  
Anadarko, OK 73005

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear The Honorable Terri Parton:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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Sincerely,

Shirley Nichols  
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October 15, 2020

The Honorable Bill Gravell, Jr.  
Williamson County Historic Courthouse  
710 S. Main Street, Ste. 101  
Georgetown, TX 78626

RE: Virtual Agency Scoping Meeting for I-35 Capital Express Central Project, CSJ: 0015-13-388

Dear Judge Bill Gravell, Jr.:

In September 2020, we invited your agency to become a Cooperating or Participating Agency in the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County. The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East, and various operational and safety enhancements.

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Shirley Nichols  
Environmental Supervisor, Austin District, TxDOT

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**Participating and Cooperating Agency Correspondence – Participating and Cooperating Agency Invitation to Agency Scoping Meeting #2**

## Tricia Bruck-Hoyt-C

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**From:** Tricia Bruck-Hoyt-C  
**Sent:** Friday, January 29, 2021 4:10 PM  
**To:** Tricia Bruck-Hoyt-C  
**Subject:** I-35 Capital Express Central Project - CSJ: 0015-13-388 - Virtual Agency Scoping Meeting #2 Invitation

Good afternoon,

As a cooperating or participating agency for the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County, we would like to invite you to the second virtual Agency Scoping Meeting on Tuesday, Feb. 23, 2021 from 2 p.m. to 4 p.m. An electronic calendar invitation with a link allowing you to join the meeting will be provided in advance of the meeting. This second virtual Agency Scoping Meeting will be focused on the draft alternatives evaluation criteria and will also provide an opportunity for further review and comment on the coordination plan and schedule, project purpose and need, and range of alternatives.

We will provide the draft alternatives evaluation criteria prior to the virtual Agency Scoping Meeting as an attachment to the electronic calendar invitation.

The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East. The project will also reconstruct bridges, add pedestrian and bicycle paths, and make additional safety and mobility improvements within the project limits.

The virtual Public Scoping Meeting will be available from Wednesday, Feb. 24 through Thursday, March 25, 2021, by visiting [My35CapEx.com](http://My35CapEx.com). Please return your comments by March 25, 2021 to Tricia Bruck-Hoyt at [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov).

If you need additional information on the project or the meeting, please contact me or the Mobility35 Program Manager Susan Fraser, P.E. at (512) 832-7280.

Thanks,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead

Austin District

7901 N. IH 35, Austin, TX 78753

Phone: (512) 832-7256 office (512) 739-9450 cell | Email: [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)

## Tricia Bruck-Hoyt-C

---

**From:** Tricia Bruck-Hoyt-C  
**Sent:** Friday, February 19, 2021 1:45 PM  
**To:** Tricia Bruck-Hoyt-C  
**Subject:** I-35 Capital Express Central Project - CSJ: 0015-13-388 - Virtual Agency Scoping Meeting #2 - Rescheduling to March 10, 2021

Good afternoon,

Due to recent weather events, TxDOT is rescheduling the second virtual agency scoping meeting for the I-35 Capital Express Central project to Wednesday, March 10, 2021 from 2 p.m. to 4 p.m.

As a cooperating or participating agency for the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County, we would like to invite you to join us for the rescheduled date and time. An electronic calendar invitation with a link allowing you to join the meeting will be provided in advance of the meeting. This second virtual Agency Scoping Meeting will be focused on the draft alternatives evaluation criteria and will also provide an opportunity for further review and comment on the coordination plan and schedule, project purpose and need, and range of alternatives.

We will provide the draft alternatives evaluation criteria prior to the virtual Agency Scoping Meeting as an attachment to the electronic calendar invitation.

The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East. The project will also reconstruct bridges, add pedestrian and bicycle paths, and make additional safety and mobility improvements within the project limits.

The second virtual public scoping meeting will be available starting Thursday, March 11, at [My35CapEx.com](https://www.my35capex.com). Please return your comments by Friday, April 9, 2021 to Tricia Bruck-Hoyt at [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov).

Thanks,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead  
Austin District

7901 N. IH 35, Austin, TX 78753

Phone: (512) 832-7256 office (512) 739-9450 cell | Email: [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov)



## Tricia Bruck-Hoyt-C

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**Subject:** I-35 Capital Express Central Project - CSJ: 0015-13-388 - Virtual Agency Scoping Meeting #2

**Location:** MS Teams

**Start:** Wed 3/10/2021 2:00 PM

**End:** Wed 3/10/2021 4:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Tricia Bruck-Hoyt-C

**Required Attendees:** Tricia Bruck-Hoyt-C; marta\_newkirk\_de\_la\_garza@nps.gov; roger\_knowlton@nps.gov; Celestine.bryant@actribe.org; alec.tobine@actribe.org; terri.parton@wichitatribe.com; dhill@mycaddonation.com; caddochair.cn@gmail.com; holly@mathpo.org; epa4apachetribeok@gmail.com; lbrown@tonkawatribe.com; mallen@tonkawatribe.com; mkomalty@kiowatribe.org; martinac@comanchenation.com; theodorev@comanchenation.com; Franks.D@sno-nsn.gov; mark.wolfe@thc.texas.gov; traviscountyhistorical@gmail.com; ashby.johnson@campotexas.org; Suzanne.Walsh@tpwd.texas.gov; rgoode@ctrma.org; Cynthia.Mcdonald@traviscountytx.gov; Jon.White@traviscountytx.gov; Morgan.Cotten@traviscountytx.gov; Scheleen.Walker@traviscountytx.gov; judge.becerra@co.hays.tx.us; ctjudge@wilco.org; toby.baker@tceq.texas.gov; bazzell@austin.utexas.edu; David.Greear@traviscountytx.gov; Cathy.Stephens@traviscountytx.gov; Charlie.Watts@traviscountytx.gov; Justin.Kockritz@thc.texas.gov; Jimmy.Johnson@austin.utexas.edu; msxton@ctrma.org; osolis@ctrma.org; Houston.Robert@epa.gov; Sharmila.Mukherjee@capmetro.org; Nadia.Barrera-Ramirez@capmetro.org; Dana.Lagarde@tpwd.texas.gov; doise.miers@campotexas.org; ryan.collins@campotexas.org; Darwin.Messer@usace.army.mil; salvador.salinas@usda.gov; Eric.Bollich@austintexas.gov; Heather Ashley-Nguyen; Susan Fraser; Shirley Nichols; Sonya Hernandez; Lindsey Kimmitt; Bill.Brudnick@hdrinc.com; Philip.Fulton@hdrinc.com; shane.valentine@hdrinc.com; Sara Behunek-C; Connie Klose-C; Diann Hodges; Akila Thamizharasan

**Optional Attendees:** Michelle Cooper; mhurst@rifeline.com; Stephanie Messerli-C; Tony Estes-C; Rebekah Dobrasko; Spencer Ward; Tom Benz; Nicholas Barbera-C; Asendorf Hyde, Terri; Carol Garcia; Tucker Ferguson; Jessica Torres; Timothy Phillips; Carlos Swonke; Doug Booher; Jackie Ploch; Samantha.Ovalle@hdrinc.com; Patrick Lee; Nicolle Kord; Stahnke, Alan - NRCS, Temple, TX; Taylor, Karla; bobby.wilkinson@tdhca.state.tx.us; terence.plaskon@dot.gov; Trimble, Michael; Erin E. Chancellor; Kelly Simon; Beth Bendik; Sue Reilly; Lynda Rife; Best, Matthew; Beaudet, Annick; sbehunek@rifeline.com; Miguel Arellano (Miguel.Arellano@txdot.gov)

**Categories:** CapEx Central

Good afternoon,

Due to recent weather events, TxDOT is rescheduling the second virtual agency scoping meeting for the I-35 Capital Express Central project to Wednesday, March 10, 2021 from 2 p.m. to 4 p.m.

As a cooperating or participating agency for the development of an Environmental Impact Statement (EIS) for the I-35 Capital Express Central project in Travis County, we would like to invite you to join us for the rescheduled date and time. This second virtual Agency Scoping Meeting will be focused on the draft alternatives evaluation criteria and will also provide an opportunity for further review and comment on the draft agency coordination plan and schedule, draft

project purpose and need, and the draft range of alternatives. These documents are attached to this meeting invite for your review and consideration.

The project proposes to add two, non-tolled managed lanes in each direction along I-35 from US 290 East to US 290 West/SH 71, with additional flyovers at I-35 and US 290 East. The project will also reconstruct bridges, add pedestrian and bicycle paths, and make additional safety and mobility improvements within the project limits.

The second virtual public scoping meeting will be available starting Thursday, March 11, at [My35CapEx.com](https://My35CapEx.com). Please return your comments by Friday, April 9, 2021 to Tricia Bruck-Hoyt at [tbruck-c@txdot.gov](mailto:tbruck-c@txdot.gov).

If you need additional information on the project or the meeting, please contact me or the Mobility35 Program Manager Susan Fraser, P.E. at (512) 832-7280.

Thanks,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead

Austin District

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## Microsoft Teams meeting

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**Participating and Cooperating Agency Correspondence – Participating and Cooperating Agency Invitation to Public Meeting**

## Tricia Bruck-Hoyt-C

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**From:** Tricia Bruck-Hoyt-C  
**Sent:** Monday, July 26, 2021 5:08 PM  
**To:** Tricia Bruck-Hoyt-C  
**Subject:** I-35 Capital Express Central Project - CSJ: 0015-13-388 - EIS Participating and Cooperating Agency Invitation to Public Meeting on 8/10/21  
**Attachments:** FINAL\_Newspaper-Ad.pdf; Final Agency Coordination Plan.pdf

We wanted to let you know that TxDOT will be hosting a public meeting for the I-35 Capital Express Central project on Tuesday, Aug. 10, 2021, from 4 to 8 p.m. The meeting will be held in the Davage-Durden Student Union at Huston-Tillotson University, 900 Chicon St., Austin, Texas 78702. Parking is available on Chalmers Avenue, opposite the gated entrance. The campus is also accessible via CapMetro transit bus routes 4 and 322 as well as the MetroRail Red Line.

The proposed improvements include the removal of the existing I-35 decks, lowering the roadway, and adding two high-occupancy-vehicle managed lanes in each direction along I-35 from US 290 East to SH 71/Ben White Boulevard, with additional flyovers at I-35 and US 290 East. The project would also reconstruct east-west cross-street bridges, add pedestrian and bicycle paths, and make additional safety and mobility improvements within the project limits.

The public meeting provides an opportunity for review and comment on:

- Results of the alternatives evaluation
- Findings from independent study of the community alternatives
- Proposed build alternative layouts

Project team members will be available to answer questions and provide information about the study. No formal presentation is planned, and community members and agencies are invited to come and go at their convenience.

**An opportunity to view the public meeting materials and comment virtually will also be available starting Aug. 10 through Sept. 8, 2021 via [My35CapEx.com](http://My35CapEx.com).**

In addition to sharing the public meeting information details, we also wanted to provide the final version of the Coordination Plan. Please see attached document.

If you need additional information on the project or the meeting, please contact Mobility35 Program Manager Susan Fraser, P.E. at [Susan.Fraser@txdot.gov](mailto:Susan.Fraser@txdot.gov).

Thanks,



Tricia Bruck-Hoyt, AICP, PMP | Mobility35 GEC Environmental Lead  
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