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

Yes

Project Description:
The originally cleared SH 99 Segment I-2 project was proposed as a four-lane at-grade arterial with a preservation of ROW which would accommodate the future ultimate 6-lane freeway with frontage roads and overpasses, once justified. The preferred alternative follows an alignment which utilizes existing lanes and the Fred Hartman Memorial Bridge between the SH 225/SH 146 intersection and Missouri Street, approximately 650 feet west of Goose Creek. From Missouri Street, Segment I-2 would improve SH 146, Spur 55, and part of Fisher Road to a controlled access facility. It would then turn north across undeveloped land to intersect with IH-10 E. Segment I-2 would be constructed as a four-lane, at grade arterial in a 300 to 400 foot ROW.

Project History:
A construction contract for the area from IH-10(E) to FM 1405, known as Segment I-2A was awarded in 2003 and the road opened to traffic in March 2008. A construction contract for the area from FM 1405 to SH 146B in Baytown, including a second bridge over Cedar Bayou, was awarded in July 2013. Construction for this portion is on-going.

Portion of Project Currently Being Advanced:
Segment I-2 from East of ML Wisner Road to Evergreen Road, acquisition of a drainage easement.

Date(s) of Prior Reevaluations:
2002 Reevaluation which included a nine mile section from IH 10 (E) to BS 146 at SH99, for the redesign of the U-turn at Cedar Bayou ans well as the alteration of drainage channel B.

2006 CE which included the design change of the proposed bridge at FM 565.

2007 Reevaluation for the proposed tolling from IH 10 (E) to Fisher Road.

2008 CE for a bridge replacement at BS 146 westbound at Goose Lake.

October 9, 2012 Reevaluation: construction of an 8.7 mile portion of project from SH 146 to FM 1405, tolling of the roadway from SH 146 to Fisher Road, and a proposed overpass at Fisher Road.

July 7, 2016 Reevaluation: reverted Design at RR crossing back to original design approved in ROD resulting in additional ROW.
Who is the lead agency responsible for the approval of the entire project?

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

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

I. Project Funding and Planning Consistency

- [ ] Yes

Is the project still consistent with the current, approved, financially constrained MTP, STIP/TIP?

Funding Source(s): State

II. Environmental Classification

Select the project's environmental classification: Final Environmental Impact Statement (FEIS)

- [ ] Yes

Have major steps to advance the action occurred within three years after the approval of the FEIS, SEIS, or the last major approval or grant? Major steps include authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of the plans, specifications, and estimates.

III. Project Information

1. Proposed Action

- [ ] Yes

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

Explain:

This Re-Evaluation is to cover the acquisition of a drainage easement located east of ML Wisner Road to Evergreen Road (Figure 1 and Figure 2). The proposed drainage easement is approximately 12.2 acres. The width of the drainage easement varies from 100-feet to 150-feet and is approximately 0.75-mile long. The proposed action includes the acquisition of a drainage easement and does not include any construction activities, earth-moving activities, or vegetation clearing within the proposed easement. Maintenance activities within the proposed easement would be limited to the periodic removal of beaver dams.

2. Project Limits

- [ ] No

Has there been a change to the project limits from what was described in the original environmental decision or subsequent reevaluations?
3. Right of Way

No  Have the ROW requirements changed since the original environmental decision or subsequent reevaluations?

4. Easements

Yes  Have the requirements for temporary or permanent easements changed since the original environmental decision or subsequent reevaluations?

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

What was the amount of easements originally required (in acres): 0.000
How much did easements change since the previous decision? (in acres): 12.200
If the required acreage is reduced, enter a negative number.

Total easements required (in acres): 12.200
Describe:
The proposed project is for the acquisition of a drainage easement. The drainage easement varies in width from 100-feet to 150-feet wide and is approximately 0.75 mile long.

No  Would any additional easements be required from a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site?

5. Displacements

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

6. Access

No  Will changes, if any, to the project design result in a temporary or permanent adverse change of access to any residential or nonresidential properties that were not covered in the original environmental decision or subsequent reevaluations?

7. Traffic

No  Have there been substantial changes to the projected ADT from what was described in the original environmental decision or subsequent reevaluations?

8. Laws and Regulations

No  Have there been any changes to laws or regulations that would result in the need for any updated analyses since the original environmental decision or subsequent reevaluations?
9. Land Use and Population

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

IV. Required Action

**Project Name:** SH 99, Segment I-2

**Control Section Job Number (CSJ):** Original Control CSJ: 3187-01-005. Additional child CSJs associated with the control CSJ: 3187-01-008, 011 and 3187-02-006, 009, 010, 011 and 3510-10-016. Additional CSJ's from Prior Reevaluations include: 3187-01-009 and 3510-10-901.

Responses to the previous questions indicate there are potential changes that may affect the previous environmental decision. Further evaluation is required. Complete the reevaluation and Sections V-XII.
V. Environmental Setting and Affected Environment

Indicate whether there have been changes in the affected environment since the environmental decision. Changes in the affected environment could result from changes in design, in the environmental setting, or laws and regulations. Only select NA if a resource was not addressed in the original environmental documentation and does not need to be addressed as a result of the changes.

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

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<th>Resource/Setting</th>
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<tr>
<td>No</td>
<td>Environmental Justice</td>
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<td>No</td>
<td>Socio-economics</td>
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<td>No</td>
<td>Farmlands</td>
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<td>No</td>
<td>Threatened/Endangered Species</td>
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<td>Comments:</td>
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<td>Potential impacts to Threatened and</td>
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<td>Endangered Species were analyzed in</td>
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<td>the BEF. The project would have no</td>
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<td>impact on Threatened or Endangered</td>
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<td>Species as no construction activities</td>
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<td>would occur. No TPWD Coordination is</td>
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<td>required.</td>
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<td>No</td>
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<td>Comments:</td>
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<td>Vegetation impacts were analyzed in</td>
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<td>the BEF. No impacts to vegetation,</td>
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<td>including riparian vegetation, are</td>
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<td>anticipated as no construction</td>
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<td>activities are involved.</td>
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<td>No</td>
<td>Water Quality</td>
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<td>Wetlands/Waters of the U.S.</td>
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<td>(including any changes in permitting)</td>
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<td>Comments:</td>
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<td>Design change only involves</td>
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<td>acquisition of drainage easement</td>
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<td>and periodic removal of beaver dams.</td>
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<td>No construction activities will</td>
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<td>occur.</td>
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<td>No</td>
<td>Floodplains</td>
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<td>No</td>
<td>Air Quality</td>
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<td>No</td>
<td>Noise Impacts</td>
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<td>A Phase I ESA and Hazardous Materials</td>
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<td>active oil/gas wells on the subject</td>
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<td>oil/gas wells and/or dry holes. The</td>
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<td>presence of oil wells and associated</td>
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<td>Visual Resources/Aesthetics</td>
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<td>Indirect and Cumulative Impacts</td>
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<td>Yes</td>
<td>Others</td>
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</table>
VI. Resource Agency Coordination

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

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

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<th>NA</th>
<th>Agency</th>
<th>Previous Coordination</th>
<th>Additional Coordination</th>
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<tr>
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<td>Texas Historical Commission</td>
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<td>Archeology</td>
<td>12/2014</td>
<td>6/29/2017</td>
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<td>Describe: Additional THC coordination for new survey was required and has been completed.</td>
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<td>Historical Structures</td>
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<td>Texas Parks and Wildlife Department</td>
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<td>Texas Commission on Environmental Quality</td>
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<td>U.S. Army Corps of Engineers</td>
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<td>U.S. Coast Guard</td>
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<td>U.S. Fish &amp; Wildlife Service</td>
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<td>FHWA (Conformity Determination)</td>
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<td>Other: N/A</td>
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VII. Additional Studies

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

Yes  Were additional studies needed?

Describe:

A Biological Evaluation Form, a Phase I ESA, HAZMAT ISA, a Historic Background Study and PCR, and an Archaeological Survey.

No  Are there studies that remain to be completed?

VIII. MTP/TIP Consistency

No  Is the project located outside the MPO area?

Yes  Is the project listed in the current, approved, financially constrained MTP and TIP?

What is the ETC? TBD

Yes  Is the current ETC consistent with the ETC indicated in the initial environmental document or last reevaluation?

No  Has a revised CO and MSAT analysis been conducted?

What is the total project cost? 58,394,821
Is the project located in a non-attainment area?
Yes  No

Would any changes to the project result in an inconsistency with the fiscally constrained MTP and TIP?
Yes  No

Note: Estimated Time of Completion (ETC) is the fiscally constrained MTP/LRTP ultimate proposed project versus an interim and/or intermediate phase of an ultimate proposed project.

Will a revised conformity determination be required?
Yes  No

Note: Shifts, earlier or later not within, in AQ analysis years can cause revisions to conformity.

IX. EPICS

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

Select the applicable finding from the dropdown field below:

There are additional mitigation requirements or commitments.

Describe:
- If excavation activities occur within the areas of past/current oil/gas operations (pump jacks, underground piping, etc.), stained/discolored soils will be further investigated and handled according to applicable federal and state regulations and TxDOT Standard Specifications.
- Avoid disturbing beaver dams, whenever feasible, particularly when the dam supports an offsite wetland or when the dam does not cause drainage or other issues that could create safety hazards or accelerate the deterioration of transportation infrastructure.
- Ensure TxDOT personnel and contractors use humane techniques to discourage beaver reestablishment of dams where roadway safety is an issue.
- At all times, work cooperatively with landowners when resolving beaver damage problems. When working with landowners to secure permission for a trapper, the objectives for removing the beaver from the roadside area must be made very clear to the trapper.
- When impounded water from an upstream or downstream beaver dam is damaging a road, employ regulated trapping as the most efficient and cost-effective solution.
- At all times, observe state wildlife agency regulations concerning beaver trapping, installation of water level control devices, and beaver dam removal. Contact state wildlife offices for questions concerning conservation law.

X. Public Involvement

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

Is there substantial controversy on environmental grounds?
No  Yes

Was additional public involvement completed for this reevaluation?
No  Yes

Previously Completed Public Involvement Activities:
Meeting with Affected Property Owners

Does any additional public involvement remain to be completed?
No  Yes

Comments:
MAPO Letters were sent out on 12/27/16. A MAPO Summary can be found in ECOS.
XI. Attachments and References

Attachments:

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

- Figure showing proposed drainage easement.
- TxDOT ENV memo related to historic resources, approved 11/21/16.

References:

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

The following are located in ECOS:
Archaeological Survey, Final Approved_0387-01-005_Survey.pdf
Tier I Site Assessment Form, Final Approved GP I-2 Drainage Easement ReEval TPWD Tier 1.pdf
Biological Evaluation Form, Final Approved GP I-2 Drainage Easement ReEval BEF.pdf
Hazmat ISA, Final Approved GP I2 Drainage Easement ReEval ISA Form.pdf
Phase I ESA, Final Approved GP I2 Drainage Easement ReEval Phase I Site Assessment.pdf
MAPO documentation, Final Approved GP I-2 Drainage Easement MAPO Summary.pdf

XII. Conclusion and Recommendation

Project Name: SH 99, Segment I-2

Control Section Job Number (CSJ): Original Control CSJ; 3187-01-005. Additional child CSJs associated with the control CSJ: 3187-01-008, 011 and 3187-02-006, 009, 010, 011 and 3510-10-016. Additional CSJ's from Prior Reevaluations include: 3187-01-009 and 3510-10-901.

Reevaluation Preparer’s Recommendation

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

Andrew Leske
Reevaluation Preparer Name

Andrew Leske
Reevaluation Preparer Signature

Environmental Specialist
Title

July 26, 2017
Date
Reevaluation Reviewer's Recommendation

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

Comments (Optional):
This DRC evaluates the acquisition of a 12 acre drainage easement. Activities in the easement will be limited to the periodic removal of beaver dams. BMPs were developed to manage impacts to beavers. ENV-arch and ENV-hist determined no resources would be impacted. No impacts to vegetation or waters of the US are expected. A Phase I ESA identified oil and gas operations in the area.

Scott Ford  
Reevaluation Reviewer Name

Scott Ford  
Reevaluation Reviewer Signature

ENV Project Delivery Manager

Title

October 3, 2017  
Date

Department Delegate's Decision

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

Comments (Optional):
GP I-2 Drainage Easement DRC Attachments
Archeology
Coordination
June 22, 2017

Section 106/Antiquities Code of Texas: Coordination, Review and Comments (Permit #7901)
Intensive Survey Draft Report: State Highway 99, Segment I-2 Drainage Easement Improvement Project
Houston District; Harris County (CSJ: 3187-01-005)

Ms. Patricia A. Mercado-Allinger
Division Director/State Archeologist
Archeology Division
Texas Historical Commission
PO Box 12276
Austin, TX 78711-2276

Dear Ms. Mercado-Allinger:

The proposed project will be undertaken with Federal funding. In accordance with Section 106 (and the First Amended Programmatic Agreement among the Texas Department of Transportation [TxDOT], the Texas State Historical Preservation Office [TSHPO], the Federal Highway Administration [FHWA], and the Advisory Council on Historic Preservation) and the Antiquities Code of Texas (and the Memorandum of Understanding between the Texas Historical Commission [THC] and TxDOT), this letter initiates consultation for the proposed undertaking.

The Houston District of the Texas Department of Transportation (TxDOT) proposes to improve drainage for State Highway (SH) 99 at Goose Creek (CSJ: 3187-01-005) via acquiring and improving an existing drainage easement between SH 146 and Evergreen Road to the east of Tallant Road and north of Tabbs Bay. The proposed project would remove existing drainage impediments (beaver dams) and perform needed maintenance on this drainage easement. The proposed project consists of 0.75 mile of an existing drainage easement, approximately 100 to 150 feet in width, covering approximately 12.1 acres. The area of potential effect (APE) is defined as the proposed project length, the existing easement width, and the depth of construction impacts (historically, maintenance activities in a drainage ditch involve cleaning out the ditch which will likely impact less than 12 inches of depth).

AmaTerra Environmental, Inc. (AmaTerra) archeologists, under contract to Ecosystem Planning and Restoration, LLC and on behalf of TxDOT, conducted an intensive survey of the above proposed project during May 2017. Archival review determined that there were three recorded archeological properties and two previous archeological surveys within one kilometer (3,300 feet) to the proposed project APE. The nearest cemetery is approximately one kilometer outside the APE. The survey would cover approximately 0.4 mile of the APE due to 0.35 mile being
inundated. The APE was assessed via pedestrian survey and 21 shovel-tests, across the 0.4 mile of the APE that was not inundated. Mechanical trenching was not needed due to the depth of construction impacts for this project. One site was recorded during this survey, 41HR1196, a historic-era site related to oil exploration and extraction. This site was determined to be ineligible based on the site’s commonality and lack of research potential.

Please find attached for your review and comments the AmaTerra draft survey report, *Archeological Survey for State Highway 99, Segment I-2 Drainage Easement at Goose Creek, Harris County, Texas*. If you have no objections to the recommendations made or any comments on this draft report and find it acceptable, please sign below to indicate your concurrence and stamp the cover to indicate acceptance.

Thank you for your consideration in this matter. If you have any questions or further need of assistance, please contact Allen Bettis of the TxDOT Archeological Studies Program at (512) 416-2747.

Sincerely,

Allen C. Bettis Jr.
Archeological Studies Program
Environmental Affairs Division

Attachment

cc w/o attachments: Mindy Bonine, AmaTerra – Austin
Callie Barnes, Houston District Office
ACB ECOS

Concurrence:  
for Mark S. Wolfe, State Historic Preservation Officer

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.
Archeological Survey for State Highway 99, Segment 1–2 Drainage Easement at Goose Creek
Harris County, Texas
CSJ: 3187-01-005
Antiquities Permit No. 7901

Prepared by: Amy M. Goldstein
Date: June 2017

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

November 17, 2016

TO: Administrative File
From: Renee Benn

District: Houston
County: Harris
CSJ#: 3187-01-009
Highway: SH 99 (Grand Parkway) Segment I-2
Let Date: January 2017

Project Limits: East of ML Wismer Rd/S Main St to Evergreen Rd, Baytown
Project Description: Stipulation IX, Appendix 6. Construct permanent drainage easement. 12.13 acres of new ROW. No historic, non-archeological properties present.

SUBJECT: Internal review under the Section 106 Programmatic Agreement (Section 106 PA) among the Texas Department of Transportation, Texas State Historic Preservation Officer, Advisory Council on Historic Preservation, and Federal Highway Administration; and the Memorandum of Understanding (MOU) between the Texas Historical Commission and the Texas Department of Transportation

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

Existing Conditions:
Currently, the area that would contain the easement is an existing shallow drainage area containing some beaver dams. It is mostly forested and is considered part of the Goose Creek Oil Field.

Proposed Project:
The proposed drainage easement would vary from 100-150 feet in width and extend from ML Wismer Dr for approximately 0.75 miles to Evergreen Road (see attached map). The permanent drainage ditch would reduce flooding risks from the construction of SH 99 Segment I-2, which was cleared for construction with a FONSI issued in 1997. The construction for the drainage easement would require 12.13 acres of new ROW.

Determination of Eligibility:
A review of the National Register of Historic Places (NRHP), the list of State Antiquities Landmarks (SAL), the list of Recorded Texas Historic Landmarks (RTHL), and TxDOT files indicated that no historically significant resources were previously documented within the area of potential effects (APE). It has been determined through consultation with the State Historic Preservation Officer (SHPO) that the APE for the proposed project is 300’ from the ROW.
Based on the PCR and thorough examination of historic aerials, attached, staff determined that there is only one historic-age (built prior to 1972) property in the APE, the Goose Creek Oil Field. The Oil Field was determined not eligible for NRHP-listing under any criteria in a 2009 study of this project area (see attached memo).

Therefore, pursuant to Stipulation IX, Appendix 6 “Undertakings with the Potential to Cause Effects per 36 CFR 800.16(i)” of the Section 106 PA and the MOU, TxDOT historians determined that there are no historic, non-archaeological properties in the APE. Individual project coordination with SHPO is not required.

Lead Reviewer ___________________________ for TxDOT 11/18/2014

Rebekah Dobrasko

Approved by ___________________________ for TxDOT 11/21/18

Bruce Jansen
ROW and APE Map, showing 0.25-mile study area and previously identified resources.
Project Area Photographs. A) view of the APE from Evergreen Road; B) view of the APE from SH 146 (Source: Google Earth).