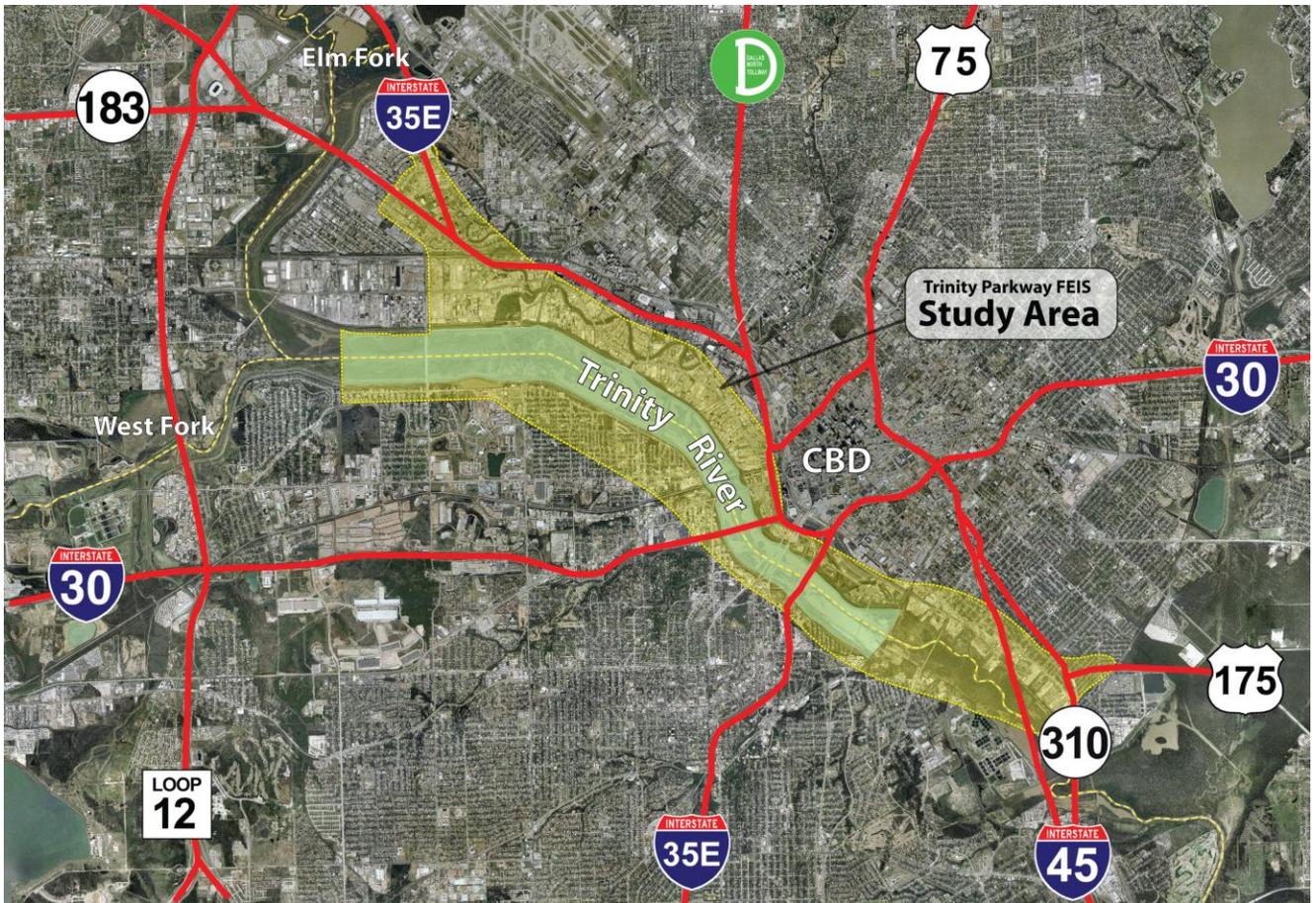


FINAL ENVIRONMENTAL IMPACT STATEMENT

TRINITY PARKWAY

FROM IH-35E/SH-183 TO US-175/SH-310
DALLAS COUNTY, TEXAS



MARCH 2014

**TRINITY PARKWAY
FROM IH-35E/SH-183 TO US-175/SH-310, DALLAS COUNTY, TEXAS**

FINAL ENVIRONMENTAL IMPACT STATEMENT

Submitted Pursuant to 42 USC 4332 (2)(c) and
40 CFR 230

By the:
U.S. Department of Transportation
Federal Highway Administration
Texas Department of Transportation
North Texas Tollway Authority

Cooperating Agencies:
U.S. Environmental Protection Agency
U.S. Army Corps of Engineers

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Date of Approval

for Federal Highway Administration

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Date of Approval

for Texas Department of Transportation

3/3/14
Date of Approval

for North Texas Tollway Authority

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Abstract: This Final Environmental Impact Statement (FEIS) discusses the proposed construction on new location of the Trinity Parkway as a limited-access toll facility from IH-35E/SH-183 to US-175/SH-310 in the City of Dallas, Dallas County, Texas. All reasonable alternatives to provide a reliever route through this area of Dallas County have been examined. This document evaluates the social, economic, and environmental impacts of the proposed project.

Comments on the FEIS are due 45 days from the date the Notice of Availability is published in the *Federal Register* and should be sent to the North Texas Tollway Authority, 5900 West Plano Parkway, Suite 100, Plano, Texas 75093.

Price per copy: \$320.00 (additional shipping fees are not included in this price).

Price per CD: \$10.00 (additional shipping fees are not included in this price).

Trinity Parkway Final Environmental Impact Statement

FOREWORD

SUMMARY OF THE ENVIRONMENTAL PLANNING PROCESS TO DATE

The National Environmental Policy Act of 1969 (NEPA, 42 U.S. Code [USC] Sections) 4321-4347) establishes a process requiring the preparation of detailed environmental documentation when federal actions are proposed with potentially significant environmental impacts. An Environmental Impact Statement (EIS) identifies the probable environmental consequences (beneficial and/or adverse) of each alternative, including ways to mitigate unavoidable impacts.

This Final Environmental Impact Statement (FEIS) is for the proposed Trinity Parkway, a project that extends from Interstate Highway (IH)-35E/State Highway (SH)-183 to U.S. Highway (US)-175/SH-310 in the City of Dallas, Dallas County, Texas. This FEIS was prepared by the U.S. Department of Transportation's (USDOT) Federal Highway Administration (FHWA), the Texas Department of Transportation (TxDOT), and the North Texas Tollway Authority (NTTA) in cooperation with the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE). It has been prepared according to FHWA regulations (23 Code of Federal Regulations [CFR] Part 771), which prescribe the policies for implementing NEPA, and implementing regulations promulgated by the federal Council on Environmental Quality (CEQ) (40 CFR Parts 1500-1508). This document is also consistent with FHWA regulations governing metropolitan transportation planning (23 CFR Section 450.318).

The Trinity Parkway FEIS represents the culmination of an environmental planning process that has included three previous environmental documents, each of which was accompanied by a public hearing and coordination with relevant government agencies. The first of these prior documents is the Draft Environmental Impact Statement (DEIS), which was published in February 2005. The DEIS was subsequently supplemented by two additional reports as described below. These supplementing actions were considered necessary because of the close interrelationship between the proposed Trinity Parkway and the Dallas Floodway, which is under the jurisdiction of the USACE.

The second NEPA document related to the proposed project, the Supplemental Draft Environmental Impact Statement (SDEIS), was published in February 2009 to provide additional information necessary for the agency decision makers and general public to determine what

federal action should be taken. Specifically, new information about the following major items was included in the SDEIS:

- Development and inclusion of two additional Build Alternatives (and associated impacts analysis);
- Additional hydrologic and hydraulic modeling for all Build Alternatives;
- Additional mapping and analysis of potential impacts to vegetation and waters of the U.S., including wetlands;
- An analysis of mobile source air toxics;
- Updated data, analysis, and projections provided by the North Central Texas Council of Governments (NCTCOG) from regional transportation plans;
- Revisions to the analysis of indirect impacts and cumulative impacts section, based on new TxDOT guidance and comments received from other agencies;
- Clarification and explanation of construction, operation, maintenance, and emergency response for the Build Alternatives within the Dallas Floodway;
- Assessment of the Clean Water Act (CWA) Draft Section 401 Water Quality Certification;
- Revisions to the environmental justice analysis;
- Discussion of electronic toll collection (ETC) and the incorporation of ETC gantries; and
- Additional discussion and materials addressing the requirements of Section 404 of the CWA, Section 10 of the Rivers and Harbors Act of 1899 (RHA), and 33 USC Section 408 (authorized in Section 14 of the RHA).

In March 2012, the information in the SDEIS was augmented by the Limited Scope Supplemental (LSS) to the SDEIS, which provided an update on important events affecting the proposed project that occurred after the FHWA approved the SDEIS for circulation to government agencies and the general public. The LSS also contained supplemental information intended to enhance the analysis of alternatives presented in the SDEIS and to provide new or additional information and analyses needed by agency sponsors of the project, cooperating agencies, and the general public prior to determining an appropriate course of action regarding the proposed project. Specifically, information relating to the following major items was included in the LSS:

- Results of further studies related to Dallas Floodway system deficiencies identified by the USACE on April 1, 2009, including any impacts of Trinity Parkway alternatives on levee remediation;
- Information about the four Trinity Parkway Build Alternatives under consideration relevant to the “practicability” criteria under Executive Order (EO) 11988 (Floodplain

Management) and EO 11990 (Protection of Wetlands), as implemented by the FHWA; and

- Update on activities performed in compliance with Section 106 of the National Historic Preservation Act (NHPA).

The purpose of the FEIS is to recommend an alternative, after considering the information that has been developed since the project's inception; therefore, this FEIS generally consolidates the information embodied in the DEIS, SDEIS, and LSS, in addition to new information in response to comments received from the public hearings following publication of the SDEIS and LSS. Information gathered in the course of project development has been updated, as considered necessary and appropriate, and this FEIS reflects the best available information as of the time of its preparation. The discussion of public comments received in response to the DEIS were previously published as part of the SDEIS, and this FEIS summarizes public involvement related to the DEIS as required by CEQ and FHWA regulations (40 CFR Section 1503.4[b] and 23 CFR Section 771.125[a][1]); the full report on comments received on the DEIS and responses thereto are incorporated into this FEIS by reference as these materials remain available to the public via the NTTA Web site (see **FEIS Appendix K**). This document was prepared in close coordination with the USACE's Fort Worth District, a cooperating agency, as it addresses resources that are within the USACE's jurisdiction as defined by federal law. The USEPA is also participating as a cooperating agency for the proposed project, as it is an agency with special expertise in the areas of NEPA, Clean Air Act conformity, and Section 404 of the CWA. The FEIS, therefore, represents a collaborative effort with the USACE and the USEPA to develop NEPA documentation that would support the decisions and/or permitting action(s) that each agency would be required to make regarding the proposed project.

BACKGROUND AND REASONING FOR PREPARATION OF PREVIOUS SUPPLEMENTAL REPORTS

This discussion further addresses the background and reasoning that led to the preparation of both the SDEIS and LSS. CEQ regulations specify the requirements for preparing EISs by lead federal agencies, as well as the roles and duties of cooperating agencies. Under 40 CFR Section 1501.6, a federal agency "which has jurisdiction by law shall be a cooperating agency." The USACE has "jurisdiction by law" because alternatives developed to implement the proposed project could affect land and/or water resources within or immediately adjacent to the Dallas Floodway, an existing federal flood control project (33 CFR Section 230.16[b]). These alternatives would potentially require the USACE to render a decision regarding a permit under Section 404 of the CWA (for discharge of dredged or fill material into waters of the U.S., including

wetlands) and Section 10 of the RHA (for any work or activity in, or affecting, navigable waters of the U.S.). Additionally, the USACE has authority under 33 USC Section 408 to ensure that the proposed project would not be injurious to the public interest and would not impact the flood control benefits provided by the Dallas Floodway. Finally, the USACE Trinity Regional EIS Record of Decision (ROD) criteria and the Trinity River Corridor Development Certificate (CDC) process would also apply to the proposed project.

The CEQ regulations pertaining to cooperating agencies with “jurisdiction by law” were established to ensure that NEPA documents prepared by a lead federal agency, such as the FHWA, would also satisfy the NEPA requirements for the jurisdictional actions to be taken by a cooperating agency (in this case, the USACE). Consequently, these regulations emphasize close coordination between lead and cooperating agencies throughout the development of an EIS, and require the cooperating agency to provide detailed input to ensure that the dual purpose of the NEPA documentation is met (40 CFR Section 1501.6[b]). For example, the CEQ rules at 40 CFR Section 1503.3 impose the following requirements on “jurisdictional” cooperating agencies:

“(c) A cooperating agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs. In particular, it shall specify any additional information it needs to comment adequately on the draft statement’s analysis of significant site-specific effects associated with the granting or approving by that cooperating agency of necessary Federal permits, licenses, or entitlements.

(d) When a cooperating agency with jurisdiction by law objects to or expresses reservations about the proposal on grounds of environmental impacts, the agency expressing the objection or reservation shall specify the mitigation measures it considers necessary to allow the agency to grant or approve applicable permit, license, or related requirements or concurrences.”

This point is also emphasized in USACE permitting regulations which require the USACE, when exercising its permit review responsibilities, to coordinate with the lead agency for the following purpose:

“. . . to insure that [the lead] agency’s resulting EIS may be adopted by the Corps for purposes of exercising its regulatory authority. As a cooperating agency the Corps will be responsible to the lead agency for providing environmental

information which is directly related to the regulatory matter involved and which is required for the preparation of an EIS.” (Paragraph 8c of Appendix B, 33 CFR Part 325)

In April 2005, the USACE provided the FHWA with its initial jurisdictional cooperating agency comments on the DEIS pursuant to the regulations discussed above. This was followed by further coordination with the USACE in an effort to clarify and address the USACE environmental and technical issues of concern. According to FHWA NEPA regulations, a SDEIS is required when new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the DEIS (23 CFR 771.130[a][2]). As a result of the USACE’s comments on the DEIS and the changes necessary to address the USACE’s concerns, the FHWA exercised its discretion under CEQ and FHWA regulations by deciding to supplement the DEIS with the SDEIS after determining that the purposes of NEPA would be furthered by doing so (40 CFR Section 1502.9[c][2]).

On April 1, 2009, following the publication of the SDEIS in February 2009, the USACE released the *Periodic Inspection Report, Dallas Floodway, Trinity River, Dallas, Dallas County, Texas (Report No. 9)*. The USACE inspection report cited deficiencies in the Dallas Floodway levee system, including segments adjacent to Trinity Parkway Build Alternatives. Because the SDEIS was released prior to the USACE inspection report, it did not include a discussion of the reported deficiencies and any impacts that these may have on the Trinity Parkway Build Alternatives. However, the inspection report was acknowledged during the May 5, 2009, public hearing presentation for the SDEIS. At that time, the FHWA, TxDOT, and NTTA stated their intent to further evaluate the levee deficiencies and a future levee remediation plan being developed by the City of Dallas and the USACE as these may relate to the Trinity Parkway, and present further information to the public prior to issuing the FEIS. In addition, prior to recommending an alternative and releasing the FEIS, the FHWA sought an enhanced evaluation and another opportunity for public comment on the practicability of the Trinity Parkway alternatives in accordance with EO 11988 (Floodplain Management) and EO 11990 (Protection of Wetlands). While the issues of compatibility with levee remediation plans and practicability of the Trinity Parkway alternatives in light of potential impacts to floodplains and wetlands were the primary focal points of the LSS, supplemental information also included a discussion of feasible design refinements to avoid potential adverse impacts to historic properties and an update on Section 106 consultation. As with the decision to prepare the SDEIS, the FHWA prepared the LSS to augment the SDEIS after determining that the purposes of NEPA would be furthered thereby (40 CFR Section 1502.9[c][2]).

ORGANIZATION OF THE FEIS AND NEXT STEPS

The organization, format, and content of this document are based on FHWA Technical Advisory T6640.8A (1987) for preparation of environmental projects and documents, as tailored by the participating agencies to the particular needs of the Trinity Parkway. The structure of this document is as follows:

- **Summary:** Provides a summary of project issues addressed in FEIS chapters.
- **Chapter 1 – Need and Purpose for Proposed Action:** Explains why the proposed project is needed to improve mobility at within and near the Dallas Central Business District and to enhance roadway safety; also outlines the purposes of the project and describes key elements of the planning context, including a discussion of related or affected projects in various stages of planning or completion.
- **Chapter 2 – Alternatives Considered:** Reviews the project's history leading up to the FHWA's recommendation of an alternative, describes the alternatives under consideration, and describes the alternatives previously withdrawn from further consideration. This chapter also provides an analysis of the characteristics and impacts of the alternatives, which led to FHWA's recommended alternative after considering the practicability of all four Build Alternatives according to the criteria set out in EO 11988 (Floodplain Management) and EO 11990 (Protection of Wetlands).
- **Chapter 3 – Affected Environment:** Describes the overall physical, biological, cultural, and socioeconomic conditions currently existing in the project area.
- **Chapter 4 – Environmental Consequences:** Provides a detailed description of the anticipated environmental impacts associated with the proposed action.
- **Chapter 5 – Mitigation Measures and Commitments:** Discusses the proposed mitigation measures to avoid or minimize the effects described in **Chapter 4**.
- **Chapter 6 – Financial Analysis and Evaluation:** Provides details concerning cost estimates and funding mechanisms associated with the proposed action.
- **Chapter 7 – Circulation of the FEIS:** Lists all agencies, organizations, and individuals that will be sent a copy of this FEIS.
- **Chapter 8 – Comments and Coordination:** Provides a review of the cooperating agencies, project development team, and scoping/public involvement process.
- **Chapter 9 – List of Preparers:** Lists the principal authors of this FEIS and consultants who prepared technical studies.
- **Chapter 10 – Bibliography:** Includes references for sources cited in the FEIS.
- **Chapter 11 – Commonly Used Acronyms and Abbreviations**
- **Chapter 12 – Index to FEIS Sections**

- Appendix A – Correspondence, Participation Events, and Notice of Intent
- Appendix B – Cultural Resources Correspondence
- Appendix C – Relocation Assistance Information
- Appendix D – Cost Estimates
- Appendix E – USACE Guidance Documents
- Appendix F – Hydrologic and Hydraulic Modeling
- Appendix G – Clean Water Act Compliance Documents
- Appendix H – Structural Design Work Related to Workgroup Collaborations
- Appendix I – Traffic Redistribution Analysis and Project MTP/TIP Pages
- Appendix J – Impacts Analysis Detailed Supporting Information
- Appendix K – DEIS Public and Agency Involvement Documentation
- Appendix L – SDEIS Public and Agency Involvement Documentation
- Appendix M – LSS Public and Agency Involvement Documentation

Although not required to conduct a public hearing on the FEIS, the FHWA has exercised its discretion to conduct a public hearing to receive feedback on the FEIS prior to making a final decision. This FEIS will otherwise be circulated and processed in the same manner as the original DEIS (40 CFR Section 1502.19 and 23 CFR Section 771.125). After publishing a notice of availability (NOA) of the FEIS, a public hearing will be held. The FHWA will make a final selection of either a Build Alternative or the No-Build Alternative after evaluating the project's impacts and considering the comments from all sources. After completing the environmental review and impact documentation process, it is anticipated that the FHWA will issue a ROD (40 CFR Section 1505.2 and 23 CFR Section 771.127). Unless the No-Build Alternative is selected in the anticipated ROD, the proposed action would proceed to the final design and construction phases upon receipt of the required permits and other environmental approvals, execution of any necessary funding agreements, and authorization by the NTTA Board of Directors. The ROD issued by the FHWA would be made in accordance with 23 USC Section 109(h), which directs that final project decisions be made in the best overall public interest, taking into account the following factors:

- The need for fast, safe, and efficient transportation;
- Public services;
- A broad array of social, economic, and environmental effects; and
- The costs of eliminating or minimizing adverse effects.

[END OF SECTION]

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