



Reevaluation Consultation Checklist (RCC)

Original Environmental Decision Date: 6/24/2014

Let Date: 3/1/2016

RCC Date: 11/13/2015

Project Number:

RCC Prepared by: Stephanie Guillot

RCC Reviewed by: Terri Dedhia

Project Name: Re-Evaluation of the Final Environmental Impact Statement (FEIS) for State Highway 99 (Grand Parkway) Segments H and I-1

Project Limits From: US 59 (N)/I-69

Project Limits To: I-10 (E)

Control Section Job Number (CSJ): 3510-07-003, 3510-08-001, 3510-09,001, 3510-09,002, 3510-10-001

District(s): Houston

County(ies): Harris, Montgomery

Check this box if the project is being reclassified without a reevaluation.

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

Project Description:

A complete description of the Selected Alternative is provided in detail in the FEIS Volume I, Section 2.5.3 "Selection of Preferred Alternative". Previously known as "Preferred Alternative 10R", the preferred alternative was identified as the "Selected Alternative" in the Record of Decision (ROD) dated June 24, 2014. For consistency, the term "Selected Alternative" is used in this re-evaluation when referencing the alternative approved in the ROD.

This re-evaluation is necessary because of design modifications that have occurred subsequent to the ROD as a result of updated information on future developments and TxDOT roadway manual design changes. The project revisions include five alignment shifts to avoid or minimize impacts in the vicinity of future Community Drive, proposed CMC Rail Development near US 90, ExxonMobil Plant, and the existing canal near SH 146 and FM 565. These alignment shifts would require approximately 5 acres of additional ROW compared to the Selected Alternative and is referenced as the "Proposed Realignment" throughout this document. Although the alignment shifts would require an additional 5 acres of ROW, the alignment shifts are located on approximately 480 acres of ROW not evaluated in the FEIS. A project location map is included in Attachment 2. The conceptual design for this facility consists of a four-lane at-grade controlled-access tollway with grade separations at major intersections within a 400-foot right-of-way (ROW) width.

This re-evaluation of the FEIS/ROD addresses changes in the project consisting of five shifts to the previously approved alignment as follows (from north to south):

1. The Selected Alternative in the northeast area of Segment H, about 2.3 miles east of Huffman-Cleveland Road (FM 1010) was shifted approximately 1,061 feet (ft.) west to cross future Community Drive further west. The Proposed Realignment adds an extra 1,300 ft. between the Grand Parkway crossings of Community Drive and Luce Bayou and provides for an additional overpass with access ramps at future Wolf Trot thoroughfare which was included in Liberty County Major Thoroughfare Plan Amendments adopted by Liberty County's Commissioners Court on February 11, 2014 (included in the Meetings with Landowners summary). This realignment would allow the ramps for Community Drive to shift north, eliminating the need for ramp bridges over Luce Bayou and resulting in substantial cost savings benefits for the project.
2. The Selected Alternative, at the intersection of US 90, would have overlapped with a future planned development known as the CMC Rail Facility. The planned rail facility proposes a new rail spur connecting to the Union Pacific Railroad (UPRR) within the footprint of the Grand Parkway interchange with US 90. The Grand Parkway alignment crossing of US 90 was shifted approximately 680 ft. southwest in this area to minimize impacts to the future CMC Rail development and to provide an opportunity for future conversion of US 90 to a freeway facility with overpasses, which is compatible with both the interchange at US 90 and a potential future rail spur northeast of the interchange. In addition, one pipeline crossing would be avoided as a result of the alignment shift. There would also be five additional residential displacements in this area.
3. Based on numerous discussions with a private landowner, the Proposed Realignment would shift the



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Selected Alternative approximately 322 ft. east from FM 1413 to 2.6 miles south of FM 1413. The entire shift would occur within a single parcel and would ensure that the property access is not limited after construction. The proposed overpass location would provide access to the western portion from the eastern portion of the property and from County Road (CR) 479 at a crossing with the UPRR mainline. The clearance at this location would accommodate a future proposed rail spur identified as part of a currently proposed plant development to the south.

4. The Selected Alternative would bisect the expansion of the ExxonMobil Plant. The Proposed Realignment in this area would shift the Selected Alternative east in order to avoid the ongoing expansion. The Selected Alternative, which crosses the UPRR Baytown Subdivision through the ExxonMobil Plant north of Mont Belvieu, would shift approximately 2,748 ft. northeast and run parallel to the railroad before crossing further north at County Road 479 (CR 479) and a railroad spur. The Selected Alternative crossed a railroad mainline, one spur, eight storage tanks, two access roads, and two canals. The Proposed Realignment would reduce those crossings to one railroad mainline and spur crossing, one access road, and one canal, to maintain access from SH 146 to a Coastal Water Authority Access Road and Canal.

5. The area between SH 146 and south of FM 565 is also included in the re-evaluation due to December 2013 updates to the Texas Department of Transportation (TxDOT) Roadway Design Manual. The design manual changes increased the minimum radius for a 70 mile per hour design speed resulting in the need to increase the radius parallel to the canal, which shifts the alignment approximately 189 ft. further north and east of the canal between SH 146 and south of FM 565. In addition, this shift would provide a better buffer around the canal and avoids impacts to the existing dirt access road and would avoid pipeline crossings in the area.

The line diagrammatic of the Proposed Realignment is included in Attachment 3 and meeting notes with affected property owners which resulted in realignments are included in the Meetings with Landowners summary.

Project Phasing Plan and Portions Completed (if warranted):

The first phase is anticipated to be an initial two-lane tolled facility that would be open to traffic by 2020. The second phase would be to complete the ultimate four-lane tolled facility as proposed and would be open to traffic by 2025.

Portion of Project Currently Being Advanced:

First phase

Date(s) of Prior Reevaluations:

N/A

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

- FHWA (Not Assigned to TxDOT) State
 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): Federal, 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 concept and/or scope since the original environmental decision or subsequent reevaluations?

Explain:

The changes to the original project design include five alignment shifts to avoid or minimize impacts. The five shifts are located in the vicinity of the following locations: future Community Drive; proposed CMC Rail Development near US 90; a single parcel near FM 1413; the ExxonMobil Plant expansion; and the existing canal near SH 146 and FM 565. The Proposed Realignment locations would consist of a four-lane at-grade controlled-access tollway with proposed grade separations at major intersections within a 400-foot ROW width. The location of the alignment shifts are shown in Attachments 2 and 3. The length of the five realignment locations are:

- 1. Approximately 2.5 miles of the Grand Parkway in the vicinity of future Community Drive, the crossing of Luce Bayou, and future Wolf Trot (Attachment 3, Sheets 5 and 6 of 18);
2. Approximately 3.5 miles of the Grand Parkway in the vicinity of US 90 and the proposed CMC Rail Development (Attachment 3, Sheets 9, 10, and 11 of 18);
3. Approximately 2.8 miles of the Grand Parkway in the vicinity of the FM 1413 interchange from approximately FM 1413 to 2.6 miles south of FM 1413 (Attachment 3, Sheet 12 of 18); and
4. Approximately 3.9 miles of the Grand Parkway in the vicinity of the ExxonMobil Plant expansion from approximately 2.6 miles south of FM 1413 to just west of SH 146 (Attachment 3, Sheets 11-16 of 18); and
5. Approximately 2.7 miles of the Grand Parkway from just west of SH 146 to approximately 0.6 miles south of FM 565 along an existing canal (Attachment 3, Sheets 17 and 18 of 18).

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

Yes Have the ROW requirements changed since the original environmental decision or subsequent reevaluations?

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

What was the amount of ROW originally required (in acres): 1996.000

How much did ROW change since the previous decision? (in acres): 5.000

If the required acreage is reduced, enter a negative number.



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Total ROW required (in acres): 2001.000

Describe:

The Selected Alternative of the Grand Parkway Segments H and I-1 as presented in the FEIS and ROD would require acquisition of approximately 1,996 total acres (ac) of ROW. The Proposed Realignment (which includes five alignment shifts) would require approximately 2,001 total ac of ROW; which is 5 ac more than the Selected Alternative from FEIS. Although the alignment shifts would require an additional 5 ac of ROW, the alignment shifts are located on approximately 480 acres of ROW not evaluated in the FEIS.

A summary of each of the alignment shift areas is described below; the ROW calculations for the two southern shifts (4 and 5) have been combined due to their close proximity.

The ROW needed for the alignment shifts includes the following:

- At future Community Drive - 1.80 additional acres of ROW.
- At the US 90 interchange – 1 additional acre of ROW.
- At 1413 interchange – 0.17 fewer acres of ROW.
- In the vicinity of the ExxonMobil Plant and around the canal between SH 146 and FM 565 – 6.04 additional acres of ROW.

The revised 400-foot ROW corridor, shown in Attachment 3, replaces the FEIS 400-foot ROW corridor.

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

4. Easements

No **Have the requirements for temporary or permanent easements changed since the original environmental decision or subsequent reevaluations?**

5. Displacements

Yes **Will changes, if any, result in residential or nonresidential displacements that were not covered by the original environmental decision or subsequent reevaluations?**

Number of displacements originally required: 99

How have displacements changed since the previous decision? 5

If the required displacements is reduced, enter a negative number.

Total number of displacements required: 104

Describe:

The 99 displacements originally identified in the FEIS would still be impacted by the Proposed Realignment. The Proposed Realignment would result in 5 additional residential displacements due to the realignment near US 90 (Attachment 5). All of the affected parcels are graphically depicted in Attachment 5 and details of the parcels are listed in Table 1 of Attachment 1.

Displacements originally required: 99 - 77 residential (including 19 sheds and barns); 1 church (Peach Creek Baptist Church); 19 commercial properties; and 2 utility displacements.

Additional Displacements: 5 additional residential displacements near US 90, resulting in 82 residential displacements.



6. Access

Yes 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?

Describe:

The Selected Alternative provided access to and from the Grand Parkway at certain locations, as well as local access to cross the Grand Parkway without direct access at other locations within the project limits. The Proposed Realignment shifts access locations and also provides new overpasses with and without direct access to and from the Grand Parkway. Within the future Community Drive realignment, the proposed overpass at this location was shifted southwest to improve access for property owners north and south of Community Drive. Additionally, a new overpass with access ramps was added at Wolf Trot, a proposed future major thoroughfare just south of Luce Bayou. The Proposed Realignment in the vicinity of US90/UPRR shifts the Selected Alternative interchange southwest to minimize impacts to a future freight rail intermodal facility planned by CMC Railroad. Within the ExxonMobil Plant realignment area, the Simnacher tract north of the plant was previously bisected by the proposed Grand Parkway, severing access across the parcel. Due to the long distance between FM 1413 and SH 146 and the difficulty in transporting large farm equipment from one side of the parcel to the other, a new overpass without direct access was added to allow the property owner to cross the Grand Parkway. In order to maintain local access to the facility from SH 146, an overpass without direct access was added. This realignment also shifted the location of the Grand Parkway crossing over the railroad further north. The Selected Alternative crossed a railroad mainline, one spur, eight storage tanks, two access roads, and two canals. The Proposed Realignment would reduce those crossings to one railroad mainline and spur crossing, one access road, and one canal. A list of additional grade separated interchanges and overpasses are provided below:
Grade separated interchanges with access ramps: Future planned thoroughfare (Community Drive); Future planned thoroughfare (Wolf Trot)
Overpasses without access to the cross streets: Simnacher Property (2)
The listing above incorporates the changes included in this re-evaluation.

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

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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.

Changed?	Resource/Setting	Comments
<u>No</u>	Environmental Justice	
<u>No</u>	Socio-economics	
<u>Yes</u>	Farmlands	The Proposed Realignment would reduce the impact to prime farmlands from 960 ac to 933 ac. Project-related impacts to farmland soils in Montgomery, Harris, Liberty, and Chambers counties were determined to be minimal according to final land evaluation and site assessment scoring conducted on the NRCS Form CPA-106, Part VII. Farmland scoring on Form CPA-106 is based upon a possible 260 points. Those alternatives (sites) receiving scores totaling less than 160 points are given a minimal level of consideration for protection. The Proposed Realignment scored too low to require coordination with NRCS and the conclusion made in ROD remains the same. See Attachment 7 for the updated Rating worksheet and related exhibits.
<u>Yes</u>	Threatened/Endangered Species	Due to the various habitat types within the project area and the large number of species in both SGCN lists, habitat likely exists in the project area for all SGCN-listed species categories except for marine and estuarine categories. The BMP PA does not eliminate the requirement to coordinate with TPWD because BMPs are not available for specific vegetative species or communities. Although not anticipated, there is potential that vegetation listed in the NDD search could also occur within the project limits. Consultation with the U.S. Fish and Wildlife Service (USFWS) will not be required.
<u>Yes</u>	Vegetation	The Proposed Realignment would increase impacts to wetlands by 14.0 acres and would increase impacts to wildlife habitat by 22 ac (Attachment 8). The changes have not resulted in impacts to locations that were targeted for avoidance/minimization in previous evaluation. The proposed project would exceed the acreage thresholds for agriculture, mixed woodland and forest, and riparian habitat types (Attachment 15). The BE form (Attachment 15) was completed and coordination with TPWD was completed on Jan 21, 2016 (Attachment 15). Commitments and BMPs are also summarized in Attachment 15.



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Changed?	Resource/Setting	Comments
<u>No</u>	Water Quality	
<u>Yes</u>	Wetlands/Waters of the U.S. (including any changes in permitting)	The originally submitted Wetland Delineation Report and Request for PJD was revised to include the Proposed Realignment. Based on these revised documents, a Section 404 Individual Permit application was submitted to the USACE on November 6, 2015.
<u>Yes</u>	Floodplains	The 100-year floodplain within the Selected Alternative right-of-way was revised to account for all waterbody crossings within the 100-year floodplain. The FEIS presented approximately 159 acres of floodplain within the ROW, but did not account for several waterbody crossings. The corrected acres of floodplain within the ROW for the Selected Alternative are 194 acres. The Proposed Realignment would reduce the acres of 100-year floodplains within the right-of-way by approximately 13 acres, as detailed in Attachment 1 and 8.
<u>No</u>	Air Quality	
<u>No</u>	Noise Impacts	
<u>No</u>	Hazardous Materials	
<u>Yes</u>	Archeological Resources	Since ROE was not obtained for entire APE, areas not examined during FEIS and new areas associated with re-eval will be examined by a qualified archaeologist as part of developer's responsibility.
<u>Yes</u>	Historic Resources	In response to design changes, a supplemental HRSR was completed in Sept 2015. Two additional historic-age properties were identified and evaluated and both were determined to be not eligible for listing in the NRHP. Therefore, the only historic properties located within the APE of the project are the properties that were previously determined to be eligible for listing in the NRHP as follows: Craftsman Bungalow (31a) and garage (31b) located on FM 1485 in New Caney, Texas; and the Big Ditch (38a) and the Main Canal (38b) of the Dayton Canal System. SHPO concurred on Nov 19, 2015 that the proposed project would have no adverse effect to the historic properties present (31a, 31b, 38a, 38b) within the APE. See Attachments 13 and 14 for recent and previous coordination, respectively.



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.

Changed?	Resource/Setting	Comments
<u>No</u>	Section 4(f)/6(f)	
<u>No</u>	Visual Resources/Aesthetics	
<u>No</u>	Indirect and Cumulative Impacts	
<u>No</u>	Others	



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.

NA	Agency	Previous Coordination Completed	Additional Completed
	Texas Historical Commission		
<input type="checkbox"/>	Archeology <i>Describe:</i> Further coordination will be conducted by developer.	9/6/2013	N/A
<input type="checkbox"/>	Historical Structures <i>Describe:</i> A supplemental HRSR was completed in Sept 2015 and 2 additional historic-age properties were identified and evaluated; both were determined to be not eligible for listing in the NRHP. Therefore, the only historic properties located within the APE of the project are the properties that were previously determined to be eligible for listing in the NRHP. SHPO concurred on Nov 19, 2015 that the proposed project would have no adverse effect to the historic properties present within the APE (see Attachment 13).	7/17/2013	11/19/2015
<input type="checkbox"/>	Texas Parks and Wildlife Department <i>Describe:</i> A BE was submitted to the TxDOT Houston District on Dec 4, 2015 and resubmitted Dec 14, 2015. Based on the BE conclusions, coordination with TPWD was required. This coordination was completed on Jan 21, 2016 (see Attachment 15).	10/31/2006	1/21/2016
<input type="checkbox"/>	Texas Commission on Environmental Quality <i>Describe:</i> On November 6, 2015, a Section 401 Tier 2 certification questionnaire and alternatives analysis checklist was submitted to the USACE with the Section 404 application, which will initiate coordination with the TCEQ.	NA	11/6/2015
<input type="checkbox"/>	U.S. Army Corps of Engineers <i>Describe:</i> A Wetland Delineation Report and Request for a Preliminary JD based on the Proposed Realignment was submitted to the USACE on 10/7/2015. A Section 404 individual permit application and wetland mitigation plan was submitted on Nov 6, 2015. A mitigation plan for stream impacts will be submitted when it becomes available.	NA	11/6/2015

- U.S. Coast Guard
- U.S. Fish & Wildlife Service
- FHWA (Conformity Determination)



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:

BE Form was completed for the new areas of ROW and TPWD coordination was completed
Supplemental HRSR was completed

Yes Are there studies that remain to be completed?

Describe:

-Mitigation plan for stream impacts to be submitted to the USACE.

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? 2020

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? \$1.2 Billion

Yes Is the project located in a non-attainment area?

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

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.

No Will a revised conformity determination be required?

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:

All mitigation and/or commitments from the original approval remain the same.



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.

No Is there substantial controversy on environmental grounds?

Yes Was additional public involvement completed for this reevaluation?

Previously Completed Public Involvement Activities:

Meeting with Affected Property Owners, Public Meeting

No Does any additional public involvement remain to be completed?

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.

- Attachment 1 – Support Documentation
- Attachment 2 – Project Location Map
- Attachment 3 – Diagrammatic of Grand Parkway Segments H and I-1
- Attachment 4 – Land Use
- Attachment 5 – Potential Displacements
- Attachment 6 - Affected Parcels
- Attachment 7 – Prime Farmland Impacts
- Attachment 8 – Wetlands, Vegetative Communities, and Floodplains
- Attachment 9 – Pages from District STIP 2013-2016
- Attachment 10 - Hazardous Materials Exhibit
- Attachment 11 - Census Block Exhibit
- Attachment 12 – Noise Receiver Locations
- Attachment 13 – Recent Section 106 Coordination
- Attachment 14 - Dayton Canal Coordination
- Attachment 15 - Biological Evaluation Form

References:

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

N/A

XII. Conclusion and Recommendation

Project Name: Re-Evaluation of the Final Environmental Impact Statement (FEIS) for State Highway 99 (Grand Parkway) Segments H and I-1

Control Section Job Number (CSJ): 3510-07-003, 3510-08-001, 3510-09,001, 3510-09,002, 3510-10-001

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



Reevaluation Preparer's Recommendation

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.

Stephanie Guillot
Reevaluation Preparer Name

Transportation/Env Planner
Title

Reevaluation Preparer Signature

September 15, 2015
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):

Terri Dedhia
Reevaluation Reviewer Name

Environmental Specialist
Title

Reevaluation Reviewer Signature

January 22, 2016
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):

Jenise Walton
Department Delegate Name

Deputy Section Director - PD
Title

Department Delegate Signature

January 25, 2016
Date