



**TABLE 7-2  
AGENCY COMMENTS AND RESPONSES ON DRAFT EIS AND SUBSEQUENT PROJECT CHANGES**

Subject *	Commenter	No.	Comment	Response
<p><b>NOTE: This table lists written comments received from regulatory or coordinating agencies. Several comments were received after the close of the comment period (March 11, 2008), and their dates of receipt have been noted. These have been included here in the interest of identifying ongoing coordination with the agencies. The comments have also been included in their entirety in Appendix D, Letters of Coordination.</b></p>				
FP	Diana B. Herrera Natural Hazards Program Specialist FEMA	1	The DEIS will impact many communities that are participating in the National Flood Insurance Program (NFIP). The project must be reviewed by the Floodplain Administrator in each community to ensure compliance with their respective Flood Damage Prevention Ordinance under the NFIP.	As indicated in section 5.9.3, DART will coordinate with the USACE and the cities of Dallas and Irving during final design, with respect to floodplain impacts. The DEIS and 10% Design have been provided to the Floodplain Administrators for Dallas and Irving.
C	Paul Brown Administration Manager and Transportation Manager Dallas County Utility and Reclamation District (DCURD)	2 A	We are resubmitting our comments to the 10% design plans since from our review of Appendix C we are unable to determine from if corrections have been made. Civ. Sta. 283+00: The bridge clearance over the District's canal is shown as being 9' over normal water surface elevation. The district requires a minimum of 10' clearance.	The recommended bridge clearance has been adjusted as identified.
C		2 B	Civ. Sta. 218+00 to 220+00: Detail of the Urban Center levee structure needs to be shown. It is unclear how the rail crossing impacts the levee elevation. District levee elevation requirements are referenced in Mr. Jacky Knox's memo to Mr. Rodney Kelly on March 27, 2006. The track "bedding" details as they cross the levee need to be shown. The bedding must not consist of material that will allow water penetration such as sand, gravel, etc.	Most of the utility issues have been addressed. Final design will entail detailed Subterranean Utility Engineering (SUE). This SUE will pinpoint all utilities and identify relocations. All utility relocations will be coordinated with the City, DCURD and other appropriate agencies. Detail drawing and cross sections will accompany the final design document. DCURD will be given the opportunity to review the design at appropriate interval during final design.
C		2 C	Civ. Sta. 220+00: The plans need to show the existing raw water fill lines for Lake Sitatunga and for Reservoir #10. A detail of those line locations is attached as "Exhibit 1".	See response to comment 2 B.
C		2 D	Civ. Sta. 230+00: Plans refer to an 8" raw water ACP line as abandoned – this line is <u>in use</u> and is located exactly as shown.	See response to comment 2 B.
C		2 E	Civ. Sta. 241+90 - Sheet 85: Plans show a 6" raw water line going northeast along California Crossing as abandoned. This line is a 10" line and is in use.	See response to comment 2 B.
C		2 F	Civ. Sta. 265+51: Plans show an 8" raw water line abandoned in the wrong areas.	See response to comment 2 B.
C		2 G	Civ. Sta. 345+90: An existing raw water line that is located in the median of Green Park Dr. is not shown. A detail of this line location is shown on the attached "Exhibit 2".	See response to comment 2 B.
C		2 H	Civ. Sta. 273+00: An existing raw water line that is located in the median of Hiddne Ridge is not shown. A	See response to comment 2 B.



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			detail of this line location is shown on the attached "Exhibit 2".	
T	John Debner Texas Department of Transportation (TxDOT)	3 A	Page 1-1, 1-5, 1-13 expand on the idea that future DFW connections could greatly increase ridership and would also serve international travel, this may not be necessary since project can stand on its own merits	The expansion into the DFW airport central terminal area is a future project that has independent utility. Additional environmental documentation with ridership modeling will be conducted at the appropriate time.
T		3 B	Page 2-33 Table 2-4, seems counter intuitive that Bus vehicle miles, hours, #peak vehicles decreases with No Build	Although miles, hours and vehicles depicted in the table are less for the No-Build than for the Build, they represent an increase over existing conditions. The No-Build Alternative includes all programmed transit improvement with expanded service consistent with DART policy, while the Build Alternative represents a true transit enhancement. Light rail frequency and duration of service is significantly greater than the existing express service operating out of a single transit center. Consequently the feeder bus system designed to serve light rail at each of the six stations will require a significant number of miles, hours and vehicles.
M		3 C	Fig 3-1,3-2 tan/gray color at some river bends not included in color key - (maybe difficult to discern)	The two areas were not fully shaded and have been fixed in the Final EIS.
C		3 D	Rail overpass bridge column appears with roadway pavement of U-turn at Storey Road, possible slight northward shift of U-turn needed.	Comments Noted. Final design will reevaluate column placement and either avoid or relocate the roadway. Coordination with TXDOT will continue.
C		3 E	Vertical clearance at Station130+00 (southeast of Loop 12) shows bottom of future bridge elevation to be 452' while SH 114 reconstruction schematic shows this bridge to have a bottom elevation of 443' where the westbound frontage road crossing under this bridge ridge. The drawings would indicate the bridge will need to have a 9' rise between the westbound frontage road and DART line crossings	Reviewer was reviewing an outdated schematic of the future bridge. Current design provides the necessary clearance.
C		3 F	Depiction of U-turn on north side of Tom Braniff does not match SH 114 curb radius	Reviewer was reviewing outdated plans of the Braniff U-turn. The SH 114 curb radius was revised by TxDOT to accommodate vertical circulation to the rail platform below. The depiction matches the 100% design package.
<p><b>NOTE: The following written agency comments were received after the close of the comment period (March 10, 2008), and their dates of receipt have been noted. These have been included here in the interest of identifying ongoing coordination with the agencies. The comments have also been included in their entirety in Appendix D, Letters of Coordination.</b></p>				
T	Chad Edwards NCTCOG 3/18/08	4	The North Central Texas Council of Governments (NCTCOG) has completed its review of the <u>Northwest Corridor to Irving/DFW Draft Environmental Impact Statement (DEIS)</u> . Our review has concluded that the build alternative being considered in this document is consistent in design concept and scope with the recommendations for the Northwest/Irving Rail Corridor included in <u>Mobility 2030: The Metropolitan Transportation Plan for the Dallas-Fort Worth Area (Mobility 2030)</u> . Mobility 2030 was approved by the Regional Transportation Council on January 11, 2007. Mobility	Comments Noted



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			2030 describes the Northwest/Irving Rail Corridor as a light rail system from Northwest Highway (Bachman lake) to Dallas/Fort Worth International Airport, the same as the one build alternative being considered in this DEIS. The build alternative is also consistent with NCTCOG's 2006-2008 Transportation Program (TIP), as well as the 2008-2011 TIP.	
T, C	James P. Barta, Jr. P.E. Director, Project Management Section, Environmental Affairs Division, TxDOT 3/19/08	5 A	Cross sectional information for roadways passing under the proposed DART facility were not shown. Therefore, we cannot confirm compliance with cross sectional requirements for roadways such as lane widths, horizontal clearances, etc. Vertical clearances for roadways passing under the DART facility were shown and appear satisfactory.	Comments Noted. DART does not typically include cross section information in the Plan and Profile Drawings for DEIS documentation. DART has coordinated the 10% Design with the SH 114 design team for TxDOT and will continue to coordinate the design with TxDOT. All vertical and horizontal requirements will meet compliance.
C		5 B	Pedestrian elements are shown as a schematic plan view only. Therefore, we cannot confirm compliance with all TAS requirements. All pedestrian elements must comply with TAS requirements for accessible routes including sidewalk and ramp widths, cross slopes, grades, etc.	DART must comply with ADA requirements and will meet Texas Accessibility Standards.
C		5 C	Vertical clearance for the DART facility under roadway structures is shown throughout the plans as "18' MIN." It is assumed that this is the standard minimum vertical clearance for this DART facility as it is less than the standard railway vertical clearance shown on RDM Figure 3-16 of 23 ft. Note that sheet 62 shows a vertical clearance of "19.4'" under the Las Colinas Tram with a note "THE "19.4'" INDICATES A DESIGN EXCEPTION REQUIRED." This appears to be inconsistent with the assumed 18' minimum vertical clearance for the DART facility.	DART has worked closely with the SH 114 design team to incorporate the light rail design into the SH 114 right-of-way. The "18' MIN" represents an approved exception to DART design standard for the section of the rail line within TxDOT right-of-way.
NE	Karen B. Hardin Wildlife Habitat Assessment Program, Wildlife Division, Texas Parks & Wildlife 3/19/08	6 A	TPWD review of the project indicates minimal impact on fish and wildlife resources, including rare, threatened, endangered species though TPWD offers the following recommendations to help minimize potential impacts to natural resources:	Comments Noted.
NE		6 B/C	There has been a dramatic increase in water demand across North Texas associated with increased development and population growth, thus water conservation is essential to this area and usually requires less maintenance and watering than introduced species. The disease tolerance of native vegetation provides longevity to the landscape without high cost. Native vegetation provides an enjoyable outdoor space for passengers while also benefiting wildlife such as birds	DART will adhere to the City of Dallas Tree Ordinance, the City of Irving Tree Ordinance, and DART Construction Specifications to ensure that vegetation removal efforts are minimized during construction of the project. Examples of these techniques that DART will use to minimize removal of vegetation include, but are not limited to, the following: <ul style="list-style-type: none"> <li>Reducing the project's footprint and thus minimizing vegetation removal through alignment and design along existing roadways, crossing waterways at existing crossings and with bridges rather than culverts, and use of retaining walls rather than cut slopes.</li> </ul>



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			and butterflies. Mature trees and shrubs provide nesting, loafing, and forage habitat for birds and other wildlife. <u>Recommendation.</u> Site planning and construction techniques should be designed to avoid and preserve existing mature native trees and scrubs.	<ul style="list-style-type: none"> <li>• Preservation of and restoration to existing conditions of natural resources, including vegetation.</li> <li>• Restriction of construction activities to permanent areas and avoidance of temporary usage areas.</li> <li>• Development of a tree and vegetation protection plan before beginning construction activities</li> <li>• Requirement that trees and other vegetation damaged during construction are returned to original condition through an approved restoration plan.</li> </ul>
NE		6 D	<u>Recommendations.</u> To enhance the value of the proposed project to both wildlife and passengers and to aid in water conservation, native vegetation beneficial to fish and wildlife have been proposed by DART. These websites can offer help in finding appropriate native vegetation for the project area: <a href="http://www.tpwd.state.tx.us/huntwild/wild/wildscapes/">http://www.tpwd.state.tx.us/huntwild/wild/wildscapes/</a> and <a href="http://tpid.tpwd.state.tx.us/">http://tpid.tpwd.state.tx.us/</a> .	Comments noted.
NE		6 E/F	Riparian areas are vegetated corridors along drainages that generally provide nesting for birds, soil stabilization for enhanced water quality, food, cover, and travel corridors for wildlife. Because many species of wildlife travel along riparian corridors it is important to reduce disturbance and fragmentation to riparian corridors. <u>Recommendation.</u> The amount of vegetation removed, trampled or disturbed should be minimized in riparian areas. To avoid soil disturbances, machinery and other vehicles should utilize nearby roadways and bridges when crossing drainages, wetland, and creeks.	Comments noted and have been incorporated into the Vegetation Mitigation Section (5.7.2).
NE		6 G	<u>Recommendation.</u> Where riparian areas would be crossed using bridge spans, the design should allow usable vertical and horizontal space beneath the bridge for local terrestrial wildlife to cross the facility.	Comments Noted. The design of DART structures provides the recommended clearances. This is noted in Section 5.7.3 – Wildlife Mitigation
HP	Michael Hellmann, Manager, Park Planning & Acquisitions, City of Dallas Park and Recreation Department 4/10/08	7 A	City Parks Department requests that meeting held on 4/10/08 serve as official comment on DEIS.	Comment noted.
G		7 B	City Parks Department continues to support the project and maintains that the project will have little impact on the Elm Fork Greenbelt.	Comments Noted.
V		7 C	City requested that the possible significant visual impact to motorists along Spur 482 be addressed in more detail in the FEIS	Section 5.6.3 has been revised based on discussion with City.

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NE	Elliot Carman Operations Division, U.S. Army Corps of Engineers 5/7/08	8 A	Page 3-75, Section 3.11.1 Sentence that starts with, "Jurisdictional waters of the U.S. are further defined as..." Recommend changing this (and other instances in the DEIS similar to this) to read, "Waters of the U.S. are further defined as..."	Text has been revised as noted.
NE		8 B	Section 3.11.1 Last sentence reads, "Table 3-30 identifies the types of waters of the U.S. and wetlands that were present within the Project Corridor." Recommend changing this to read, "Table 3-30 identifies the types of waters of the U.S. including wetlands that were present within the Project Corridor."	Text has been revised as noted.
NE		8 C	Page 3-77, Table 3-30 Table title is misleading. Recommend changing to, "NWI classification of aquatic features within the project corridor."	Text has been revised as noted.
NE		8 D	Page 3-78, Table 3-31 Table is somewhat confusing. Recommend changing existing column header from "Classification" to "NWI Classification" and adding another column for classification as ephemeral, perennial, or intermittent.	Column heading has been revised as noted. New column has been added as requested.
NE		8 E	Page 3-78, Table 3-32 Table is somewhat confusing. Recommend changing existing column header from "Classification" to "NWI Classification" and adding another column for classification as emergent, forested, or shrub scrub wetland.	Column heading has been revised as noted. New column has been added as requested.
NE		8 F	Page 3-91 Table 3-33 Table is somewhat confusing. Recommend changing existing column header from "Classification" to "Water/Wetland #."	Column heading has been changed to "ID / Name".
NE		8 G	Page 5-30 First paragraph indicates water 16 would be re-channeled and routed in culvert. Recommend investigating alternative construction techniques to avoid realignment of the stream. In addition, recommend that final design will also ensure that neither normal flows nor expected high flow (the 1-2 yr flood) velocity will increase as a result of the proposed project.	A minor tributary of Water 16 will be re-channeled. Water 16 and its floodplain will be bridged over. The tributary is intermittent stream with no continuous waterflow and no associated floodplain. DART maintains that this design is the best overall solution to address this situation. DART will continue to coordinate with the USACE on this issue and will advance the project through the permitting process. The design will ensure that the flows meet USACE specification. The document has been amended to clarify the design.
NE		8 H	Pg 5-30 Last full paragraph: This paragraph discusses preconstruction notification (PCN) thresholds. Recommend revising the paragraph to read, "Additionally, a pre-construction notification must be submitted to the USACE if the loss of waters of the U.S. exceeds 0.1-acre or there is a discharge in a special aquatic site, including wetlands (See terms and conditions of NWP 14 and NWP General Condition 27). Furthermore, a pre-construction notification is also required if listed species or critical habitat might be affected or is in the vicinity of the	Text has been revised as noted.



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			proposed project (NWP General Condition 17) or if the proposed project may have the potential to cause effects to historic properties (NWP General Condition 18)."	
NE		8 I	Page 5-30 References NWP 29 for residential development for the proposed project. Recommend removing this NWP as it is not appropriate for the impacts associated with the referenced station.	Text has been revised as noted.
NE		8 J	Page 5-30 Indicates mitigation would be required for impacts greater than 0.5-acre or 300 LF of stream. Compensatory mitigation would be required for any project that has more than minimal adverse impacts to the aquatic environment regardless of acreage or LF of impacts.	Text has been revised as noted.
NE		8 K	Page 5-30 References General Condition 13. This is from the old NWP's. Recommend revising (and all other similar instances in the DEIS) to reflect current General Condition 27 for notification	Text has been revised as noted.
NE		8 L	Page 5-31 References old General Condition 13 and that PCN would be submitted for all intermittent or perennial stream crossings. Please see terms and conditions for NWP 14 and 39 for PCN thresholds and the new NWP general condition 27 for PCN timing and content details. Please note that thresholds are not specific to just intermittent and perennial streams, but also include impacts to ephemeral streams. Please revise as appropriate.	Text has been revised as noted.
NE		8 M	Page 5-78 Sec. 5.21.7 Recommend revising first sentence to read, "With regard to waters of the U.S. including wetlands, potential impacts..."	Text has been revised as noted.
NE	Willie R. Taylor Director, Office of Environmental Policy and Compliance, U.S. Dept. of the Interior 3/17/08	9 A	The DEIS includes numerous citations within the text but does not include a references section with full citations. It would benefit the public for the Final EIS to include a section that contains full citations for the references identified in the document.	The Draft EIS and Final EIS reference the Existing Conditions Technical Memorandum (October 2005) and incorporate it by reference. This tech memo includes information regarding materials, methods, literature reviewed, and findings.
NE		9 B	The DEIS contains several statements of fact and references to field surveys or wildlife inventories without supporting citations or documentation. The Final EIS would be enhanced if it included citations supporting such statements of fact or documenting field surveys and inventories, and listed those citations and documents in a list of references. Examples include, but are not limited to the following: - "The inventory was taken in August and September 2005 and updated in June 2006. Supplemental	See response to comment 9 A.

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			<p>literature reviews and reconnaissance-level site investigations in the area of the corridor were used to characterize the vegetation and resources.” (page 3-75)</p> <ul style="list-style-type: none"> <li>- “During the field surveys of the Project Corridor... and 6 wetlands.” (page 3-77)</li> <li>- “Plant communities within the developed portions of the Dallas-Fort Worth metroplex are very similar in species composition and canopy stratification.” (page 3-94)</li> <li>- “...during the field surveys, only 19 bird species, 2 mammal species...were observed along the Project Corridor.” (page 3-95)</li> </ul>	
NE		9 C	<p>IN addition, there are several listed references that may be outdated. It would be beneficial if the Final EIS indicated more up-to-date information if available. For instance, the document states that (page 3-94) “Schindly et al. (1993) reported 66 native, 3 introduced, 9 feral and 30 exotic species, of mammals; 361 bird species; 18 reptile species; and 5 amphibian species as occurring in this biotic province.” This cited reference is over 14 years old, and more current data may reveal a different picture of the current wildlife in that area. In another example, a Johnson and Short reference that is almost 20 years old was cited several times in the DEIS. For instance, (page 3-95, 3<sup>rd</sup> full paragraph) the document states, “The numbers and kind of wildlife that could potentially use emergent wetlands in this area include 76 species of birds, 10 species of mammals, 11 species of snakes and lizards, 6 species of turtles, and 11 species of amphibians (Johnson and Short 1989).</p>	<p>See response to comment 9 A. References reflect the most current information available.</p>
NE		9 D	<p>The DEIS also indicates that (page 3-97, 1st full paragraph), “Specific field studies for wildlife and threatened and endangered species were not conducted at the station areas. The probability of occurrence of threatened, endangered, and rare species within the station areas is dependent upon the habitat present...Some protected species could occur transiently in the riparian and wooded habitats ...” Because of the probability of threatened or endangered and/or rare species being present within the station areas, the following statement may warrant clarification (page 3-94, 2<sup>nd</sup> full paragraph): “Due to the large size of the station and alternatives, ground-truthing of the plant communities was limited.” Consideration could be given to the completion of a wildlife assessment of these areas with</p>	<p>The design of this survey was to locate preferred habitat of listed T&amp;E species, not to locate individual protected species. These results do not indicate that there are or would be any protected species individuals within this area. FTA has considered the suggestion to conduct a biological assessment and has determined that such an investigation is not necessary due to the absence of any federally listed species and/or critical habitat.</p> <p>Nearly all listed animal species are relatively mobile and could enter the study area at any time. However, some of these species may not be mobile at times (i.e., reptiles during the winter months hibernate, and during the spring and early summer months birds are nesting).</p>



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			the results summarized in the Final EIS supported by cited documentation that is included in a section on references.	
NE		9 E	The comments regarding the mitigation actions for terrestrial wildlife and aquatic habitat may warrant further discussion (pages 5-33 and 5-34). The DEIS states that (page 5-33, 4 <sup>th</sup> full paragraph), "Most of the animals present within the project area are already subject to an environment that is regularly disturbed. Due to the animals' mobile nature, they would relocate in the event of habitat disturbance. Construction activities would temporarily disturb these animals' habitat; however, long-term impacts would be mitigated through re-vegetation." The Final EIS would be enhanced by including a more complete discussion of re-vegetation efforts planned as part of the mitigation efforts outlining how the needs of different species will be addressed and which require different types of vegetation for survival. Additionally, the document would benefit by including relevant scientific studies of species-specific vegetation and habitat needs, as well as a discussion of mitigative actions for the less mobile species in the project area, including amphibian and reptile species, given that these species will be impacted from the additional stressors imposed by the construction and operation of the project.	DART has initiated coordination with the USFWS and TPWD. This coordination will continue through final design, during which re-vegetation recommendations will be evaluated. The current design is only at a 10% level.
NE		9 F	Section 6(f) comments: We have reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund (L&WCF) and the Urban Park and Recreation Recovery programs. Formal consultation with the Texas Parks and Wildlife Department (TPWD) and the City of Dallas has been initiated regarding the LWCF-assisted grant #48-00134, Trinity River Greenbelt in the Elm Fork Greenbelt that is subject to Section 6(f)(3) restrictions. LWCF funds were provided for acquisition of 232.958 acres for the Trinity River Greenbelt, including either side north and south of Storey Lane. The proposed project would require approximately 2.5 acres of the Elm Fork Greenbelt; however only approximately 750 square feet of actual ground space would be occupied. The balance of the area would be air rights. Consultation among the parties is ongoing.	Comments noted. The status of Section 6(f) coordination is discussed in Section 6.5.
NE		9 G	Section 4(f) comments: Following our review of the Section 4(f) Evaluation, the Department concurs that there is no feasible or prudent alternative to the Preferred	Comments noted.



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			Alternative selected in the document. We acknowledge that you have consulted with the Texas State Historic Preservation Office and other appropriate agencies regarding the use of Section 4(f) properties.	

\* Subjects:

AD - Real Estate Acquisitions and Displacements  
C - Construction  
FP - Floodplains  
G - General  
HP - Historic Resources and Parklands  
LU - Land Use

M - Miscellaneous  
NE - Natural Environment  
NV - Noise / Vibration  
P - Public Involvement  
S - Safety and Security  
T - Transportation

V - Visual / Aesthetics