




**Task Force Meeting #9 – Section Specific Questions from Meeting #8
December 21, 2009**

SECTION A Questions/Concerns		
From	Question	Response
<p>A-7</p> <p>Comment Card</p> <ul style="list-style-type: none"> • Fred Cludius 	<p>Comment to A6 Question 2: Why weren't specific questions specifically answered?</p> <p>Why would you use Appraisal District tax records to verify a home under construction? This method is designed to result in <u>no</u> confirmation.</p> <p>How did you confirm the slab in Section C that changed the route in that section?</p> <p><u>Previous Question A6 (2):</u> (2) There were numerous reports by Mr. Cludius that he was having a home built at 4339 W. Hwy 46 (an affected home in Section A) prior to the end of the route study. I believe his home was completed in April 2008. Note: The slab poured after April 2, 2008 in Section C created a route change in that area. This home in Section A was not shown on the maps until July 2008 after it was</p>	<p><u>Previous response:</u> (1&2) Although Mr. Cludius did inform the team on several occasions of the proposed construction, the residence was not added earlier because the existence or location could not be confirmed through review of aerial photography, Comal County Appraisal District tax records or field reconnaissance. Although the precise location could not be verified, the team did eventually add a residence within the corridor route. The residence was added to the constraints map and included in the final matrix for analysis prior to making the study recommendation. Upon further investigation the study team was able to confirm that the residence was under construction but the home was actually <i>outside</i> of the corridor route. Since the report was already in its final stages the matrix was not updated and shows this as an impacted residence even though it is not.</p> <p>Page 41 of the Study Report states, "If a residential structure was identified by a member of the public during the public involvement process, the study team relied on Comal or Guadalupe County Appraisal District tax records to confirm its existence prior to field verification and addition to the constraints map."</p> <p><u>Response added:</u> Consistent with planning studies of this nature a process was established for identification and confirmation of residential structures as indicated on page 41 of the Study Report. Appraisal district information was used in this case because field verification was not made.</p> <p>Yes, the study team did have contact information for Mr. Cludius. Our records indicate that Mr. Cludius provided contact information via the project website in June 2007. The first record we have of Mr. Cludius notifying the study team of the home under construction was in January</p>

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From	Question	Response
	<p>pointed out once again via an email to Clint Ray in July, 2008. Linda Vela has stated that the consultants went out and could not see the house from the road. Did you have contact information for Mr. Cludius to gain access and verify the existence of this home? Why did it take so long to count this home and thereby create a situation where it shows on the maps the selected route takes 1 more home than the previously viable option route?</p>	<p>2008. The house was added to the database on July 2008. This is not an unreasonable amount of time considering all of the other facets of the study.</p> <p>The slab in Section C was confirmed during a site verification which was scheduled ahead of time with the property owner. The identification of one slab did not change the outcome. The slab was a part of a newly identified platted subdivision, Lost Canyon, which is what ultimately affected the recommendation.</p>  <p>Previous Graphic 1: The area circled in red above shows where the actual location of the residence for the address is located. The yellow dot to the right of that is where this home was placed during the study. This home is counted as an impact for the study's evaluation purposes but in reality is outside of the corridor.</p>

SECTION B Questions/Concerns

From	Question	Response
<p>B-5</p> <p>Evaluation Form</p> <ul style="list-style-type: none"> • Anonymous 	<p>2) Would like further explanation of the B-4 answer.</p> <p><u>Previous Question B4:</u> 11.1.2 Guadalupe River Crossing –“River crossings were a determining factor due to terrain and impacts along the Guadalupe River, a major tourist attraction and asset to the local community. “</p> <p>Route B 16 is the preferred route at this time. At this particular location there are beautiful high limestone cliffs and many homes in close proximity. In addition this route will split the KL Ranch, which has a Family Land Heritage Certificate of Honor since it was founded and has been in the same family since 1876. Was any consideration given to these factors?1 Why was the less topographically challenging route next to the power lines eliminated?</p> <p>Does TXDoT’s approach to the important environmental aspects of this proposed route show incompetence, apathy or a deliberate attempt to minimize the environmental constraints?2 Who or what is the driving this proposed route for Section B?</p> <p>Common sense tells us these problems could be avoided by using and improving</p>	<p><u>Previous response:</u> Yes, consideration was given to those factors. The final study recommendation evaluated options based on 31 criteria which included historic resources, impacts to farmlands, bisecting of large parcels, meeting engineering criteria (AASHTO), impacts to floodplains and affording a crossing at the Guadalupe River.</p> <p>The recommendation had the least amount of impacts overall when considering the 31 criteria. The route selected allowed the study team to avoid several residences and additional impacts to floodplains in connecting sections.</p> <p><u>Added response:</u> A detailed response will be provided during the course of Task Force meeting on Section B.</p> <p><u>Reference:</u></p> <ol style="list-style-type: none"> 1. Page 42 of the Study Report states that, “Individual parcels of fifty (50) acres or more were identified and mapped throughout the study area.” Impacts to farms/ranchland larger than 50 acres was considered a constraint for the study’s purposes and counted on the matrix in the evaluation of alternatives. 2. Chapter 2 of the Study Report gives an overview of the Study Process. The New Bruanfels Outer Loop Study was Phase I. “Phase I can be described as a “funnel” type process in which a large number of options are narrowed down to a single recommended corridor...” Page 11 of the Study Report talks about future phases of the study.

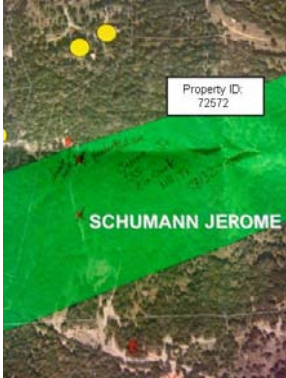
SECTION B Questions/Concerns

From	Question	Response
	<p>existing roads. This approach would preserve the unique 10 mile Guadalupe River Road area, a part of our Texas Heritage and natural beauty that cannot be duplicated anywhere in this state. Visitors will continue to come and spend their vacations dollars here. Family ranches and popular businesses along River Road will continue. It will eliminate inevitable expenses due to potential litigations. And, help preserve the fragile eco-systems necessary for wildlife, aquatic species and people. Is it time for common sense to prevail on the Section B part of the proposed New Braunfels Outer Loop?</p>	
<p>B-6 Evaluation Form • Donna Jones</p>	<p>Section B – would like more information on how the 2nd Crossing was chosen as the crossing.</p>	<p>Due to the complexity of this question a more detailed response will be provided during the course of Task Force meeting on Section B.</p>
<p>B-7 E-Mail • Jeff Wooley</p>	<p>Explain the reference to environmental justice populations in the area of Guadalupe River 2nd crossing. (Sections Specific Questions Response from October 19, 2009 meeting - 3&4 response regarding Section B23)</p>	<p>Excerpt from page 42 of the Study Report, “A Presidential Executive Order requires each Federal Agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations. TxDOT guidelines for performing environmental justice assessments define minority populations to include (1) Blacks, (2) Hispanics, (3) Asian Americans, and (4) American Indians and Alaskan Natives. Low-income persons are defined as those whose median household incomes are below the Health and Human Services poverty guidelines (which in 2000 was \$17,500 for a family of four, and in 2007 was \$20,650). An analysis of the proposed corridor and the census tracts that it occupies should determine the impact on minority or low income</p>

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From	Question	Response
		<p>populations and should be investigated further in future phases.”</p> <p>During the Task Force meeting on the Data Collection efforts of the study the Task Force was presented with information on how the study team identified constraints in the study team. In regard to identification of potential Environmental Justice populations the study team used census data. Future study efforts would verify the conclusions of this data to either affirm or not the existence of the Environmental Justice population presence in the area.</p>
<p>B-8</p> <p>E-Mail</p> <ul style="list-style-type: none"> • Martin Levett 	<p>If TxDOT/RJ Rivera was able to locate the home at 4339 W Hwy. 46 by Comal County GIS to determine its location in relation to the final recommended route, then why can't RJ Rivera locate 539 Elm Creek Road by Comal County GIS, when it is in the path of the final recommended route and impacts the study matrix for Residential Displacements?</p>	<p><u>Previous response:</u> Page 41 of the Study Report states, “If a residential structure was identified by a member of the public during the public involvement process, the study team relied on Comal or Guadalupe County Appraisal District tax records to confirm its existence prior to field verification and addition to the constraints map.”</p> <p><u>Response added:</u> A structure in the area was visible using GIS and that is shown in the exhibit in Graphic 3 in the previous response provided and also in the response below. The study team was able to see a structure but could not verify either through Appraisal District information or thru field verification (attempts were made to schedule a site visit with the property owner but the study team was not able to gain access to the property) that the structure was indeed a residence so it was not added to the constraints map.</p> <p>While the addition of the 539 Elm Creek Road structure could change the screening matrix, it would not necessarily change the study team’s recommendation which was based on 31 different criteria.</p>
<p>B-9</p> <p>E-Mail</p> <ul style="list-style-type: none"> • Martin Levett 	<p>Why is public input information reported by the end of the “reporting period” on July 7th, 2008, such as the home located at 539 Elm Creek Road, not included in</p>	<p><u>Previous response:</u> Page 41 of the Study Report states, “If a residential structure was identified by a member of the public during the public involvement process, the study team relied on Comal or Guadalupe County</p>

SECTION B Questions/Concerns

From	Question	Response
	<p>the data used to recommend the final route of the NB Outer Loop study? What New Braunfels Outer Loop Study policy states that houses reported by July 7th, 2008 had to be <u>confirmed</u> by that same date in order to be included in the final study data?</p>	<p>Appraisal District tax records to confirm its existence prior to field verification and addition to the constraints map.”</p> <p><u>Response added:</u> A structure in the area was visible using GIS and that is shown in the exhibit in Graphic 3. The study team was able to see a structure but could not verify either thru Appraisal District information or thru field verification (attempts were made to schedule a site visit with the property owner but the study team was not able to gain access to the property) that the structure was indeed a residence so it was not added to the constraints map.</p> <p>While no language exist in the study report to indicate that a house had to be confirmed by July 7, 2008, this date does represent the cut off point for the data collected through public involvement.</p> <div style="display: flex; align-items: center;">  <div style="margin-left: 10px;"> <p>Previous Graphic 3: Shows the notes taken by the study team during conversations with the Schumanns.</p> </div> </div>
<p>B-10</p> <p>E-Mail</p> <ul style="list-style-type: none"> • Martin Levett 	<p>If all of the homes within 2000 feet of the B-23 option were contacted for the November 15th Lone Oaks MAPO meeting, then why were homeowners of the Mission Hills Ranch subdivision (which clearly lies within 2000 feet of the intersection of the Option B-23 route and</p>	<p>Homes within 2000 feet of the B-23 option were contacted for the November 15th Lone Oak MAPO including any homes in the Mission Hills Ranch subdivision which were within those 2000 feet.</p>

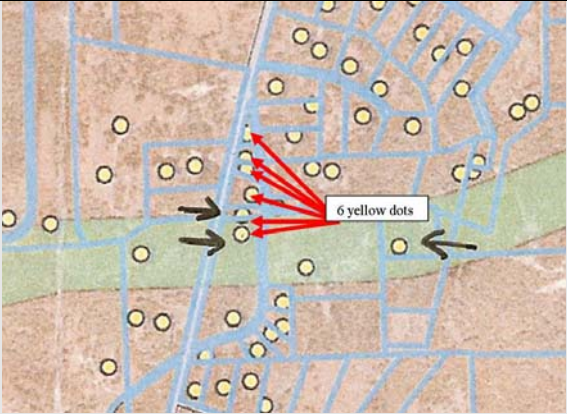
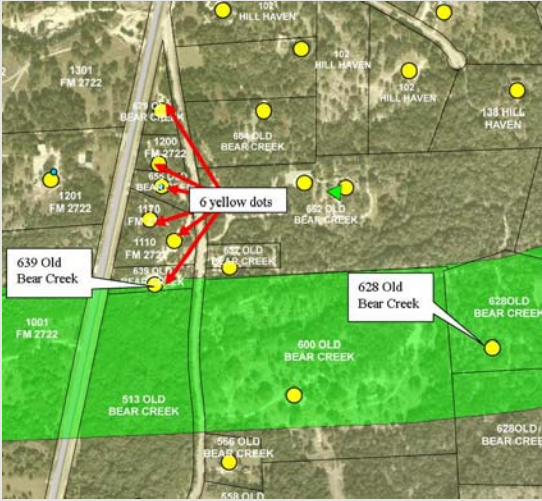
SECTION B Questions/Concerns

From	Question	Response
	Hwy. 46) not contacted to provide public input at this meeting?	
B-11 E-Mail • Martin Levett	Since the New Braunfels Outer Loop Study website was “set up to provide a one-stop source of <u>accurate</u> and <u>timely information</u> for members of the <u>public</u> ” and new maps presented at meetings of the New Braunfels Outer Loop Study were placed on the website within days of those meetings, why were the Lone Oak MAPO November 15 th , 2008 [2007] meeting maps containing the B23 corridor not placed on the web site or made known to the general public via the website until January 14, 2008? If NEPA requires public input for decisions made and the B23 option was released to the general public on January 14 th , why was the final recommended route displayed at the CWG meeting #5 on January 15, 2008 since there was not time for the public to make significant input? Why was the general public not made aware of Option B-23 prior to TxDOT making their recommendation on the New Braunfels Outer Loop Study final route alignment?	<p>The New Braunfels Outer Loop Study website was established to “provide a one-stop source of accurate and timely information for members of the public”. The study team believed that the time it took to update information falls within a reasonable period of time. The exhibits referred to were updated with the established process for ensuring accuracy. Further, while it was meant to provide a repository of information, it was not the only mechanism by which the study team collected public input and feedback. Other mechanisms included the Community Work Group and the study hotline.</p> <p>NEPA has no specific requirements regarding input on specific decisions but rather requires that the public have the opportunity to influence the decision making process, which was afforded through the various meetings conducted throughout the life of the study. The public had the opportunity to comment on B-23 when it was placed on the website January 14, 2008 and again at the open house held January 31, 2008. These opportunities to comment are sufficient to meet NEPA requirements particularly since outreach mechanisms such as websites and hotlines are above and beyond the specific requirements set forth by NEPA.</p> <p>We have added a link to the project website at www.nbolstudy.com under the ‘Public Involvement’ tab for information for meeting #9 to a document titled “CEQ Citizen’s Guide to NEPA”.</p> <p>The Community Work Group was formed to “provide an opportunity for community members to actively participate in the public involvement process” as stated in the study report on page 14. It was not necessary to receive public comments prior to the CWG #5 held on January 15, 2008, meeting since the public was able to comment on B-23 well beyond that timeframe. The</p>

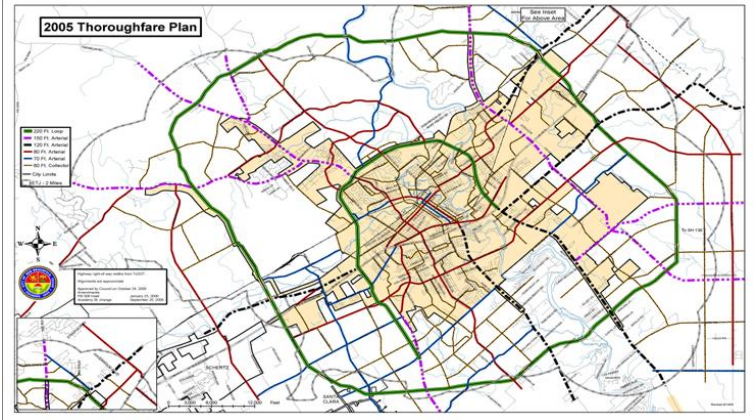
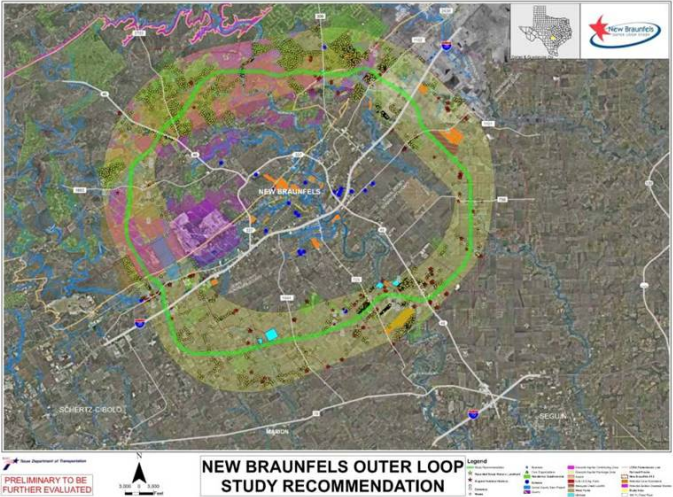
SECTION B Questions/Concerns

From	Question	Response
		<p>general public was also informed of B-23 and the draft recommended corridor at an open house held on January 31, 2008.</p>
<p>B-12</p> <p>E-Mail Sharon Levett</p>	<p>1) On November 15, 2007, there were 3 homes shown on the MAPO meeting map that would later be affected by the B23 section of the final recommended route.</p> <p>2) On January 31, 2008 at the map shown at the final recommended route meeting, the homes now affected by B23 had been removed from the maps. Please see attached maps to look up addresses. I do know for sure about 2 of them -628 Old Bear Creek Road (owned by Culpepper's) and 639 Old Bear Creek Road (owned by Kelsey's). I am not sure about the address of the 3rd home. Please provide an explanation as to why the homes in the new route were no longer shown on the maps. In February 2008 I was told that the home at 628 was missed due to tree cover, but that does not explain why it had been there previously and later removed.</p>	<p>1) The map provided along with this question is not the map that was utilized at the MAPO meeting on November 15, 2007.</p> <p>2) It does appear that some residential structures (yellow dots) were missing from the DRAFT Recommended Corridor maps utilized at the January 31, 2008 Open House. As illustrated in the exhibit below, 628 Old Bear Creek Road and 639 Old Bear Creek Road were included in the constraints map and the screening matrix used to identify the FINAL Recommended Corridor, as were the other structures found in the map provided along with this question. This can also be seen on page 112 of the Study Report and on the study website at http://www.nbolstudy.com/pdf/maps/NBOL_AltMap_Exhibit(B).pdf</p> <p>While these homes appear to have been omitted from the maps and matrices utilized to develop the DRAFT Recommended Corridor, they were included after the Open House in the revised maps and matrices ultimately utilized to identify the FINAL Recommended Corridor.</p> <p>Throughout the life of the study, hundreds of maps were produced. These maps were always marked as "Preliminary to be Further Evaluated" to indicate that they were works in progress. The FINAL Recommended Corridor included in the Study Report and the data collected throughout the life of the study are the final deliverables for the project and represent the culmination of the study team's technical analysis.</p>

SECTION B Questions/Concerns

From	Question	Response
		 <p>Graphic 1: Image provided by Ms. Sharon Levett. Red lines added point to the six homes in question.</p>  <p>Graphic 2: Graphic developed by study team based on “Final Recommended Corridor”.</p>
<p>B-13 E-Mail</p>	<p>Given the environmental constraints and potential damage to the Edwards Aquifer and Guadalupe River, both valuable</p>	<p>1. Section B as proposed has significantly less impacts than the currently adopted outer loop as depicted in the 2005 Thoroughfare Plan. Please refer to</p>

SECTION B Questions/Concerns

From	Question	Response
<ul style="list-style-type: none"> • Godfrey 	<p>water sources for over 1,000,000 Texans and habitats for over 50 plants and animals endemic to Central Texas:</p> <ol style="list-style-type: none"> 1. Why is Section B as proposed even a consideration in this study? 2. Why should taxpayers be expected to pay for the voluminous environmental impact studies that will be required and inevitable litigation that will occur? 3. Does the proposed NBOL study prevent feeder roads or features that will promote development or growth in Section B? 4. Why was the less topographically challenging route eliminated at 2nd Crossing (B14, 15, 16)? Give specific information on residences that were avoided and related flood plain issues in connecting sections. Ref. B4 page 9 10/19/2009 questions 	<p>http://www.nbtexas.org/index.aspx?nid=206 for additional information on the currently adopted outer loop plan.</p> <div style="text-align: center;">  </div> <p>Figure 1: Currently adopted City of New Braunfels Outer Loop</p> <p>The Study Report on page 6, Figure 1 shows the study recommended alignment.</p> <div style="text-align: center;">  </div> <p>Figure 2: New Braunfels Outer Loop Study Final Recommendation</p>

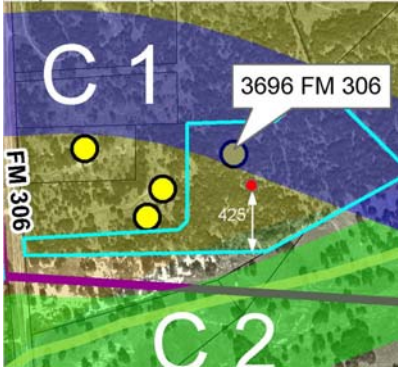
SECTION B Questions/Concerns

From	Question	Response
		<p>From the New Braunfels Outer Loop Study Report, page 8 “The concept for the outer loop was first identified on the City of New Braunfels Major Thoroughfare Plan. At the request of the City of New Braunfels and Comal County, TxDOT initiated the New Braunfels Outer Loop Study to assist the area in appropriately planning for infrastructure needs as this region continues to develop.” The study was undertaken to improve on the currently adopted loop alignment.</p> <p>2. Currently, there is no funding identified for construction of any portions of the loop. Future phases of the New Braunfels Outer Loop Study will focus on refining portions of the loop that could act as stand alone projects where needs have been identified.</p> <p>3. A facility type will be selected in future study phases.</p> <p>4. Overall, the less topographically challenging route that also accommodates an interchange with River Road, requires less right-of-way, minimizes impacts to the natural environment including golden cheek warbler habitat, minimizes impacts to LCRA transmission line, and has less impacts to residential developments is afforded by links B35, B17 and B8, as recommended. A more detailed response will be provided during the course of the Task Force meeting on Section B.</p>

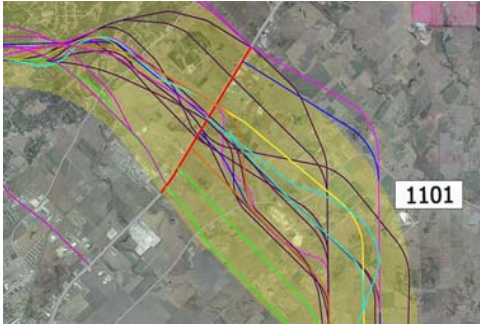
SECTION C Questions/Concerns

From	Question	Response
C-2 Evaluation Form <ul style="list-style-type: none"> • Donna Jones 	Section C – the division of farms like Pantemulers.	Although efforts were made to minimize impacts to large parcels these impacts could not be completely eliminated. Of the 13 50-acre or larger parcels within Section C, the recommended alternative bisects 2 of these parcels.
C-3 Evaluation Form <ul style="list-style-type: none"> • Karen Dietz 	C, D, E & F – Rudy repeatedly reminds us that efforts are made to minimize bisecting properties & to follow property lines. May be assume that these decisions involved input from property owners – re: location of line – stock wells, irrigation H2O sources, access to pastures & fields -	Although efforts were made to minimize impacts to large parcels these impacts could not be completely eliminated. Of the 13 50-acre or larger parcels within Section C, the recommended alternative bisects 2 of these parcels. Additionally, the 800 ft corridor provides additional opportunities to further minimize impacts to constraints including those that are specifically related to larger property owners.
C-4 E-Mail <ul style="list-style-type: none"> • April Hughes 	What research and documentation did you perform on the cave systems in section “C”?	At this level of planning impacts to potential environmental features are evaluated from published information. The New Braunfels Outer Loop Study was never intended to produce an environmental document but was instead a preliminary study to identify a general corridor for the proposed outer loop to be further studied and refined in future phases.
C-5 Evaluation Form <ul style="list-style-type: none"> • Roy Linnartz 	(1) Could the one house in C5 be by passed by moving the ROW to the south?	Yes, future studies will evaluate the mitigation efforts to further reduce impacts to residences along the entire corridor.
C-6 Evaluation Form <ul style="list-style-type: none"> • Martin Levett 	As stated multiple times in writing and at the public West Modification MAPO meeting on June 25, 2008 the home located at 3696 FM 306 was indicated as the reason for altering the C Section route near FM306. As noted on multiple maps of this section, the home at 3696 FM 306 (denoted by a yellow dot) does appear to be in the path of one of the route options. According to Comal County GIS maps, this home’s actual location does not lie in any route option nor is at all affected by any route option. Considering all of	Yes, after further evaluation utilizing data that was not available to the study team during the study, it appears the residential structure at 3696 FM 306 was identified on study maps in the wrong location (see exhibits). The Comal County GIS maps are utilizing 2009 aerials. RJ RIVERA Associates, Inc. was utilizing older data and did not have the benefit of seeing the home from the air after it was constructed. Further, the study recommendation in Section C was the result of careful analysis and consideration of new information collected by the study team at the open house and how this information related to the study’s need and purpose. The goal of the study is

SECTION C Questions/Concerns

From	Question	Response
	<p>TxDOT's and RJ Rivera's engineering expertise, what is the explanation for marking the home in the wrong location? What actually caused the final route to be changed when changing the C section route was not necessary per criteria used in all other sections of the study?</p>	<p>to provide local municipalities with a recommended corridor that successfully meets the identified needs while best minimizing potential impacts.</p> <p>While a draft recommended corridor was presented to the public at the open house on January 31, 2008, the new information related to the location of a platted subdivision (Lost Canyon) caused the study team to revisit the draft recommendation. Specifically, the study team identified and confirmed the location of a platted subdivision with at least one new home (this home is located at 3696 FM 306 which is referred to in the question) currently under construction and several new homes slated to begin construction.</p> <p>While the removal of 3696 FM 306 structure would change the screening matrix, it would not necessarily change the study team's recommendation because the recommendation based the consideration of this subdivision on 31 screening criteria matrix coupled with connections to adjacent sections and professional judgment.</p> <div style="display: flex; align-items: flex-start;">  <div style="margin-left: 10px;"> <p>Graphic 1: The graphic above shows the home in question at the 3696 FM 306 location. The white box containing the address of the property indicates where the home was placed on the map for evaluation purposes. The smaller red dot below indicates the actual location of the property.</p> </div> </div>
C-7 Evaluation Form	<p>Since the home located at 3696 FM 306 was never impacted by any route option in the C section, and yet caused the final</p>	<p>The specific houses in question, whether in or out of the corridor route, were not the determining factors in either Sections A or C. The final recommendation was based on the evaluation of the 31</p>

SECTION C Questions/Concerns

From	Question	Response
<ul style="list-style-type: none"> Martin Levett 	<p>recommended route to be changed, then why does the home at 4339 Hwy. 46 in the A section, which is equally unaffected, not change the final recommended route in that section? When data in the decisions were reported to be used consistently throughout all areas of the study and if both homes are in the same position of being unaffected, why did the home at 3696 FM 306 get preferential treatment?</p>	<p>screening criteria coupled with connections to adjacent sections and professional judgment. In Section C, it was the potential impacts to the platted subdivision which had already started construction that caused the study team to reevaluate the criteria and ultimately change their recommendation.</p>
<p>C-8</p> <p>Evaluation Form</p> <ul style="list-style-type: none"> Martin Levett 	<p>As stated in the Herald-Zeitung article in May 31, 2007, Greg Melatek stated that “there is nothing in writing” and no decision had been made regarding an Outer Loop going through the GLO property. How does TxDOT/RJ Rivera explain why the route follows an artist’s depiction of the GLO development labeled “New Braunfels North”, which was completed on April 23, 2007, one month prior to the interagency coordination conference on May 23, 2007?</p>	<p>On May 31, 2007, the New Braunfels Outer Loop Study was still ongoing and the study report had not been completed nor submitted therefore Mr. Malatek’s statements were correct. The following graphic represents the Universe of Options for this location. As a reminder, the Universe of Options was created with input from many stakeholders. As shown in this graphic, several of the options drawn by different sources wrap around the landfill towards IH 35 in the same fashion as the GLO artist depiction. However, after reviewing the artist rendering, our team is not able to confirm that the recommended corridor follows the exact location depicted by the graphic. Further, it is quite possible that individuals with knowledge of this proposal added the option to the Universe of Options. Regardless, the options were evaluated without special consideration for one option over another.</p> <div style="text-align: right;">  <p>Graphic 1: Universe of Options in the GLO area which is where the process commenced.</p> </div>

SECTION D Questions/Concerns

From	Question	Response
D-2 Evaluation Form <ul style="list-style-type: none"> • Karen Dietz 	D – Concern about landfill – It was just announced that this is to increase in size – How will this impact future choice?	The recent announcement to expand the landfill does not impact the Recommended Corridor since the landfill is being expanded on property already owned by Waste Management of Texas, Inc., which was previously avoided.
D-3 Evaluation Form <ul style="list-style-type: none"> • Karen Dietz 	C, D, E & F – Rudy repeatedly reminds us that efforts are made to minimize bisecting properties & to follow property lines. May be assume that these decisions involved input from property owners – re: location of line – stock wells, irrigation H2O sources, access to pastures & fields -	Although efforts were made to minimize impacts to large parcels these impacts could not be completely eliminated. Of the ninety-two 50-acre or larger parcels within Section D, the recommended alternative bisects fourteen of these parcels.
D-4 Evaluation Form <ul style="list-style-type: none"> • Maegan Blaschke 	3) In section D what is defined as a parks and recreation facility.	The area designated as a <i>Park & Recreational Facility</i> northeast of the landfill was information originally given to the study team by the City of New Braunfels. It's a tract of land that's currently owned by Waste Management of Texas, Inc. who has had ongoing coordination with the City of New Braunfels to create a public park on the property. The land is being developed by Waste Management of Texas, Inc. as a nature preserve, which is currently open to the public upon reservation.
D-5 Evaluation Form <ul style="list-style-type: none"> • Maegan Blaschke 	4) In the Herald last week they stated that the landfill will be in service for 20-30 year more. This road is projected to be built in that time frame, so why has it been removed as a location to build the projected road? (Section D)	Avoiding landfills was an initial screening fatal flaw because of the associated economic and environmental challenges.
D-6 Comment Card <ul style="list-style-type: none"> • Nancy Krueger 	3) Why is landfill not giving land? 4) Why is wildlife (landfill) not giving land. Wildlife is not yet established next to FM 1101 and Kohlenberg	3) See D-5 4) See D-4

SECTION D Questions/Concerns

From	Question	Response
D-7 Evaluation Form • Roy Linnartz	(2) Could the Krueger property be left intact by following existing ROW (Section D) east of the Airport?	Unable to locate the property in question. However, following the Schwarzlose Rd. and/or Barbarosa Rd. right-of-ways on the east side of the airport would result in greater residential displacements as well as impact cemeteries and potentially eligible historic structures.

SECTION E Questions/Concerns

From	Question	Response
E-1 Evaluation Form <ul style="list-style-type: none"> • Anonymous 	1) In section E, how will the road specifically impact the land fill? Will there be any specifications allowances due to the environmental impact from the landfill itself?	There is no known landfill in Section E; however, if referring to landfill in Section D, the road should not impact the landfill, but environmental impacts due to proximity to the landfill will be further evaluated as part of future environmental and design phases.
E-2 Evaluation Form <ul style="list-style-type: none"> • Donna Jones 	Section E: how the river crossing in E was chosen	If river crossing locations were considered feasible from an engineering prospective, the locations were simply a function of the overall route study process.
E-3 Evaluation Form <ul style="list-style-type: none"> • Karen Dietz 	C, D, E & F – Rudy repeatedly reminds us that efforts are made to minimize bisecting properties & to follow property lines. May be assume that these decisions involved input from property owners – re: location of line – stock wells, irrigation H2O sources, access to pastures & fields -	Although efforts were made to minimize impacts to large parcels these impacts could not be completely eliminated. Of the sixty-two 50-acre or larger parcels within Section E, the recommended alternative bisects thirteen of these parcels.
E-4 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q1 Section E: Why is the viable options map on pg 100 of the final report not the same one that was presented at the second round of public meetings? This is deceptive. I was told at the second round of public meetings (10/11/2007), by Steve Woodruff, that the crossing at Lakeside pass had been eliminated and that either E12 or E13 would be used. E15 was never presented to the public. I therefore did not have the opportunity to comment on the proposed route. I am in E15 and our farm is potentially eligible for the National Register of Historic Places.	The exhibit shown on page 100 of the Study Report is from a later stage of development than the exhibit presented at the 10/11/07 Public Meeting. Additional information was obtained at the 10/09/07 and 10/11/07 Public Meetings that later affected the route study. Changes resulting from input at these public meetings are depicted in the exhibit on page 100 of the Study Report. E15 was presented for public review and comment at the January 31 st Open House and on the project website.

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E-5 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q2 Section E: Why was E13 not used to cross the river? It matches up with D3 on the other side of the river.	E13 from the Viable Options has considerably more residential displacements than E15 from the Recommended Corridor.
E-6 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q3 Section E: Can the R.O.W. be reduced to go through sensitive areas like river crossings and active farmland?	ROW needs will be determined at a later stage of project development based on a variety of factors.
E-7 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q4 Section E: Should historic age outbuildings, cabins, and features like hand-dug wells be represented by red stars on the map?	Some of those could be considered potentially eligible historic structures (buildings) and represented by a red star, if such structures were estimated to be over 50 years of age, have not been modified, and were brought to the attention of the study team within the predetermined public input deadline.
E-8 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q5 Section E: Why was the bandit golf course shown repeatedly as “parks and recreation” (orange with hatches)? Throughout the study it was shown as protected parkland, even on the map that was recently handed out at one of the task force meetings.	The Bandit Golf Course was originally marked as <i>Parks & Recreational Facility</i> . The <i>Parks & Recreational</i> designation was later removed and replaced with the <i>Residential Subdivision</i> label. After the designation was changed, some exhibits inadvertently used the original <i>Parks & Recreational Facility</i> label; however, all route evaluations were made using the correct <i>Residential Subdivision</i> label. The Bandit Golf Course was never considered “protected parkland” by the study team during any route evaluation processes.
E-9 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q6 Section E: Is there a map in the report that shows the extent of historic properties? Are the Pfeifer and Jahnsen farms shown on any of the maps in the report?	There is not a map in the Study Report that illustrates the extent of historic properties because that is not known at this stage of project development. The potentially eligible historic structures on the Pfeiffer and Jahnsen properties (in Section D) can be viewed on the map on page 24 of the Study Report.
E-10 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q7 Section E: From final report, Appendix E (refined universe of options screening matrix East) E15 does not meet goal to minimize residential	Despite having the same designation (E15), the segment from the Refined Universe of Options and the segment from the Viable Options are different segments.

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	displacement. From final report, Appendix G (viable options screening matrix East) E15 does meet goal to minimize residential displacement. How did this change?	E15 from the Universe of Options was eliminated prior to the Viable Options (see page 82 in the Study Report). Later, a new route in Section E was developed that contained a new and different segment E15.
E-11 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q8 Section E: This question is about Appendix I (short list of options screening matrix East) and Appendix K (refined short list of options screening matrix East). Why did the figures increase so dramatically in the categories of Archeological Areas, Wildlife Habitat, and Sensitive Noise Receivers?	<p>Archeological Data was not available for Section E when the Short List of Options were screened.</p> <p><i>Vegetation/Wildlife Habitat</i> was initially considered to be all land areas exclusive of developed areas and farmland. This criteria was later modified to include farmland, thereby only excluding developed areas. This change caused the number of acres impacted to increase.</p> <p>The number of <i>Sensitive Receivers</i> differed between the Short List of Options and the Refined Short List of Options for two reasons: 1) Double counting inadvertently occurred due to overlapping routes at section ends. This created the smaller discrepancies in the different routes (Routes 1, 2, 3, and 5). 2) The larger discrepancies in Routes 4 & 6 were the result of a minor shift in the alignment of E15. This shift moved E15 closer to Leisure Village resulting in a larger number of <i>Sensitive Receivers</i>.</p>
E-12 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q9 Section E: Final report page 46, Public comment-“Farms and Ranches were not marked well on maps.” Action item-“Research and identify farms and ranches on the maps.” What was done to research farms and ranches?	In response to the action item, the study team established 50 acres as the minimum threshold to be considered <i>Farmlands/Ranchlands</i> .
E-12 E-Mail <ul style="list-style-type: none"> • Phillip Schulze 	Q10 Section E: Since many public comments were made about historic farms in the study area, why wasn't information on Section 106 of the	The Study Report on page 39 states, “In all, eighty-six (86) properties, some of which are duplicated in the above list, were identified as potentially eligible for listing in the NRHP.” Of the 86 properties identified at this stage of study, none were

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	<p>National Historic Preservation Act distributed at the public meetings. This creates a huge weakness in the data used and the public outreach process.</p>	<p>considered “historic farm properties”. The study avoided direct impacts to all identified and known historic structures within the study area.</p> <p>While the New Braunfels Outer Loop Study went well beyond the requirements of a planning study of this nature in its public involvement and environmental constraints mapping; it was never intended to produce an environmental document but was instead a preliminary study to identify a general corridor for the proposed outer loop to be further studied and refined in future phases. Nonetheless, TxDOT being aware of the historic heritage of the area, made the conscious decision at this planning stage to avoid all historic impacts.</p> <p>Consistent with planning studies of this nature the study evaluated potential direct impacts to historic structures with in the 800-foot corridor. Historical impacts were discussed and identified at the earliest stages of the study beginning with the Agency Coordination Conference, and continuing with Technical Work Group Meetings, Community Work Group Meetings and the First Round of Public Meetings. Throughout the process historical impacts were identified and efforts were made to avoid direct impacts.</p> <p>Excerpt from the Study Report, “In addition to the Recorded Historic Sites, an effort was made to identify any sites that could be potentially eligible for listing in the NRHP. Historic United States Geological Survey (USGS) maps of the area, generally dating from the 1950s as well as more current USGS maps from the 1980s to the present, were photocopied and examined prior to beginning fieldwork.” Please see Study Report pages 38 – 40 for more information on the study efforts to identify historic, archeological and cemeteries within the study area.</p> <p>Excerpts below provide additional information on this topic and</p>

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		<p>was provided in case the Task Force desires to do further research.</p> <p>Excerpt from <u>PART 800—PROTECTION OF HISTORIC PROPERTIES</u> § 800.1 Purposes. <i>(a) Purposes of the section 106 process.</i> Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. [bold emphasis added]</p> <p><i>(b) Relation to other provisions of the act.</i> Section 106 is related to other provisions of the act designed to further the national policy of historic preservation. References to those provisions are included in this part to identify circumstances where they may affect actions taken to meet section 106 requirements. Such provisions may have their own implementing regulations or guidelines and are not intended to be implemented by the procedures in this part except insofar as they relate to the section 106 process. Guidelines, policies, and procedures issued by other agencies, including the Secretary, have been cited in this part for ease of access and are not incorporated by reference. <i>(c) Timing.</i> The agency official must complete the</p>

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		<p>section 106 process “prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license. ” This does not prohibit agency official from conducting or authorizing nondestructive project planning activities before completing compliance with section 106, provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking’s adverse effects on historic properties. [bold emphasis added] The agency official shall ensure that the section 106 process is initiated early in the undertaking’s planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.</p> <p>http://edocket.access.gpo.gov/cfr_2001/julqtr/pdf/36cfr800.1.pdf</p>

SECTION F Questions/Concerns

From	Question	Response
F-1 Evaluation Form <ul style="list-style-type: none">• Karen Dietz	C, D, E & F – Rudy repeatedly reminds us that efforts are made to minimize bisecting properties & to follow property lines. May be assume that these decisions involved input from property owners – re: location of line – stock wells, irrigation H2O sources, access to pastures & fields -	Although efforts were made to minimize impacts to large parcels these impacts could not be completely eliminated. Of the ninety-one 50-acre or larger parcels within Section F, the recommended alternative bisects thirteen of these parcels.