

Attachment 13
Section 106 Coordination



Texas Department of Transportation®

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November 16, 2015

SECTION 106: Determination of Eligibility and Effects

Liberty and Montgomery County, Beaumont/Houston District
CSJ# 3510-07-003

Proposed Grand Parkway Segment H and I1

Ms. Linda Henderson
Division of Architecture
Texas Historical Commission
Austin, Texas 78711

Dear Ms. Henderson:

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. In accordance with 36 CFR 800 and our first amended Programmatic Agreement for Transportation Undertakings (PA-TU 2005), this letter initiates Section 106 consultation on the effect the proposed undertaking poses for historic properties located within the project's area of potential effects (APE). As a consequence of these agreements, TxDOT's regulatory role for this project is that of the Federal action agency.

Introduction

The Texas Department of Transportation (TxDOT) coordinated this project with your office in a letter dated June 25, 2013 to determine eligibility of historic-age properties (see attached letter). SHPO concurred with TxDOT's findings of eligibility for two properties in the APE. Since that time design changes have occurred resulting in a need for additional survey, and plans are final enough to determine effects to historic properties in the APE.

Determinations of National Register Eligibility

Due to design changes, TxDOT resurveyed the APE where it differentiated from the original survey. Two additional properties containing three historic-age (pre-1971) resources were in the APE. Rather than creating another numbering system for the three historic-age resources, the resources were numbered to correspond with the parcel number on which they were located. Parcel 1-dc contains two historic-age resources, both ca. 1970. Resource 1A-dc is a one story brick clad residence with a

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low hipped roof with ranch style elements. Resource 1B-dc is a garage/storage shed with a large addition. Property 1-dc has no known associations with historically significant events or persons and does not exhibit any artistic or architectural distinction. This property is determined **not eligible** for NRHP-listing under any criteria.

Property 15-dc contains one resource which may or may not be historic-age. No resources were present on a 1970 historic aerial, but by 1973 a residential building is present on the parcel. The resource is difficult to access, so TxDOT historians used Bing birds eye aerials to determine the rectangular one story ranch style house exhibits no innovation in design or craftsmanship. There is no indication of any association with a historically significant person or event, and therefore Property 15-dc is determined **not eligible** for NRHP-listing. (See attached supplemental report for more information and photos).

The chart below summarizes the properties already determined eligible.

Properties determined eligible for NRHP listing

Property #	Name/Location	NRHP Criterion
31a and 31b	Craftsman bungalow (31a) and garage (31b), FM 1485, New Caney, TX	Eligible- C- architecture, local level
38a and 38b	Big Ditch (38a) and Dayton Main Canal (38b), Liberty Co	Eligible- A – agriculture, local level

Determination of Effects

The project is a design build construction and TxDOT does not yet have plans showing effects to historic properties. TxDOT does however have high level schematics prepared which are attached showing locations of each property in relation to the proposed project. Based on these recently revised schematics, TxDOT historians determined the project would have the following effects upon the historic properties:

Property #31a and #31b Craftsman house and garage

Property #31a currently faces FM 1485 with #31b beside it (to the west). FM 1485 would be converted to a frontage road of the Grand Parkway alignment. The Grand Parkway ROW would be approximately 77 feet from property #31a, the same distance as the current FM 1485 ROW. The Grand Parkway mainlanes would be approximately 250 feet from property #31a. The Grand Parkway mainlanes at this location would be at grade on fill, approximately 10' off the current ground level. A strip of existing trees approximately 50' in width will be between the frontage road and the mainlanes, so the mainlanes would be difficult to see from the property. Since the property currently faces a highway with trees on the other side and will continue to do so, and there is no ROW required from the property, the project poses **no adverse effect** to property #31a and #31b.

Property #38a and 38b Big Ditch and Dayton Main Canal

The project would build bridges spanning these resources. No supports for the bridges would be within the ROW of the Big Ditch or Dayton Main Canal. A 20' buffer on either side of the resources will be in place and no supports will be within that buffer as well. The bridges would be approximately 10-20 feet above the properties.

The function of the system will not be impaired although it should be noted that the system is not currently functioning as it did historically, to irrigate agricultural fields. Today the properties are just channeling/holding water that is not being used constructively. The historic properties would still convey historic significance after the project is complete. These criteria comport with the "no adverse effect" determination process outlined in the July 15, 2004 consensus agreement with SHPO for irrigation districts or systems.

Furthermore, the proposed action would have not significantly diminish the system's location, design, setting, materials, workmanship, feeling or association. For these reasons, the proposed project is determined to have **no adverse effect** to properties #38a and #38b because the potential actions would have no consequences on the qualities and characteristics that contribute to the significance of the historic properties.

Cumulative and Indirect Effects

TxDOT also asserts that the proposed undertaking would have no reasonably foreseeable adverse effects that may occur later in time, be farther removed in distance, or be cumulative. Any growth pressures that may or may not exist near the properties are already in place. The proposed project would not adversely impact the properties ability to convey their historical significance or impair current function. The proposed project therefore would not pose indirect or cumulative adverse effects to the historic properties.

Conclusion

Pursuant to Stipulation VI "Undertakings with Potential to Cause Effects" of the PA-TU, TxDOT Historians determined that there are **two historic properties present** in the project APE and that the proposed project would have **no adverse effect** to the historic properties. TxDOT informally discussed this outcome with your staff and both parties were in concurrence. In accordance with 36 CFR 800 and the PA-TU, I hereby request your signed concurrence with these findings of eligibility and effect.

We look forward to further consultation with your staff and hope to maintain a partnership that will foster effective and responsible solutions for improving transportation, safety and mobility in the state of Texas. Thank you for your cooperation in this federal review process. If you have any questions or comments concerning these evaluations, please call me at (512) 416-2611.


HOU, Grand Parkway Seg H & II, Liberty/Montgomery Co
CSJ: 3510-07-003



Renee Benn
Historic Preservation Specialist,
Environmental Affairs Division
Texas Department of Transportation

Attachments

cc: Bruce Jensen, Supervisor, Historic Studies, initial: **BDJ**

CONCUR: Historic properties present- Properties 31a, 31b, 38a, 38b No adverse effect to historic properties	
NAME: <u></u>	DATE: <u>19 Nov 2015</u>
for Mark Wolfe, State Historic Preservation Officer	