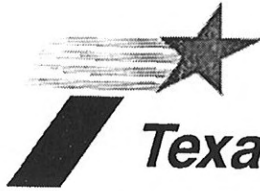


Appendix B Agency Coordination



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

CC: CRM 7-7-03
SBW

1 July 2003

Texas Antiquities Code and Section 106 Coordination

Dallas County

CSJ 0009-11-181, 0196-03-205, 0196-03-199, 0442-02-132

IH 30 from IH 35E to IH 45, IH 35E at IH 30, IH 35E from IH 30 to SH 183, IH 35E from 8th St to IH 30

Texas Department of Transportation
District No. 18
JUL 10 2003

James E. Bruseth, Ph.D.
Department of Antiquities Protection
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

TxDOT - ENV
JUL 07 2003
CRM

Dear Dr. Bruseth:

The proposed project will be undertaken with state and federal assistance. As required by the National Historic Preservation Act of 1966, as amended, and by Senate Bill 58, The Antiquities Code of Texas, and our Memorandum of Understanding with your agency, we are coordinating the proposed project with your office.

Melissa Green and Duane E. Peter of Geo-Marine, Inc. have submitted a draft report entitled, *Assessing the Potential for Intact Archeological Deposits Within the Pegasus Project: Reconstruction of the IH 30/IH 35E Corridor (Canyon/Mixmaster/Lower Stemmons) in Dallas County, Texas* for review. A copy of the report is enclosed. A copy of the project description with route schematics from the website www.projectpegasus.org is attached as well.

The report indicates that while some potential for buried cultural deposition remains in the project area, the likelihood of identifying deeply buried prehistoric deposits by coring or trenching is slight. Ms. Green therefore recommends no archeological survey before construction begins. More potential exists for encountering historic remains in the project area. The project may affect the Houston Street Viaduct (National Register listed) and site 41DL377, a historic landfill which contains material dating from the period 1880s to 1910. Green and Peter recommend avoidance of the Houston Street Viaduct and monitoring near 41DL377. Monitoring for historic archeological deposits is recommended also at "specific areas along the bluff edges and in the Canyon area where the use of extensive fill materials has hidden and sealed early in situ historic deposits (e.g., residential yards, privies, trash deposits, etc.)."

We request your review of the report and concurrence with Geo-Marine's recommendations for Project Pegasus. If you have any questions, please call Barbara Hickman at 512-416-2637 or e-

HALL

Dr. James E. Bruseth
(CSJ 0009-11-181, etc. Project Pegasus)

Page 2

1 July 2003

mail bhickman@dot.state.tx.us.

Sincerely,

Barbara J Hickman

Barbara J Hickman, Staff Archeologist
Archeological Studies Program
Environmental Affairs Division
BJH:bjh

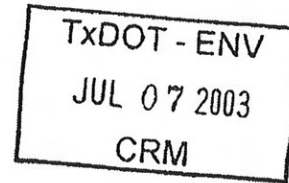
G.R. Dennis Price

G.R. Dennis Price, Staff Archeologist
Archeological Studies Program
Environmental Affairs Division

Attachment

cc: Ms. Melissa Green
Geo-Marine, Inc.
550 East 15th Street
Plano TX 75074

bcc: Dallas District, attn: Mr. Dan Perge (no att.)
ERG (no att.) CRM/SBW BJH (no att.)



Concurrence by:

Mark H. Cotton

For Lawrence Oaks, State Historic Preservation Officer

7-3-03

Date

U.S. Department
of Transportation

United States
Coast Guard

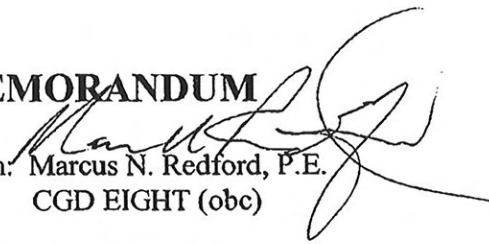


Commander
Eighth Coast Guard District
Hale Boggs Federal Building

501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol: obc
Phone: 504-589-2965
FAX: 504-589-3063

16591C
24 Feb 2003

MEMORANDUM

From:  Marcus N. Redford, P.E.
CGD EIGHT (obc)

To: Peter Chang, P.E.
Federal Highway Administration

Subj: STA CONCURRENCE REQUEST

1. This refers to the proposed replacement of the existing IH 35 and IH30 bridges over the Trinity River near downtown Dallas, Texas. You have requested concurrence that these projects meet the criteria for the Surface Transportation Authorization (STA) Act and qualify for exemption from Coast Guard bridge permit requirements.

2. Section 144(h) of Title 23 U.S. Code was enacted in 1978 to reduce paperwork and related costs in the execution of the Coast Guard's bridge permit programs. This section has been amended by the Act of April 2, 1987 (Public Law 100-17), to further reduce paperwork and related costs in the permitting of bridges funded by this Act. By reason of this provision, certain bridges -- which are constructed, reconstructed, rehabilitated, or replaced with federal assistance imposed under Title 23 U.S. Code -- are no longer subject to the permitting requirements imposed under 33 U.S.C. 401 and 525(b). The bridges, which fall into this excluded category, are those that cross waterways:

(a) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

(b) which are nontidal; or if tidal, used by vessels less than 21 feet in length.

3. Since FHWA has the responsibility for the STA Act, the Coast Guard accepts your determination that the bridge project meets these criteria and is exempted for Coast Guard Bridge Administration purposes. Inasmuch as the existing bridges were permitted, the replacement bridges should meet or exceed the current navigational clearances.

4. Additionally, your request that the bridge be exempted from the Coast Guard required lights and other signals cannot be granted as the subject Act which amended Title 23 U. S. Code, to include 23 U.S.C. 144(h), did not exclude this category of bridges from the application of 14 U.S.C. 85. The later statute requires the establishment, maintenance, and operation of Coast Guard required lights and signals on fixed structures, including bridges. The owner must request

Subj: STA REQUEST FOR CONCURRENCE

16591C
24 Feb 2003

the lighting exemption and provide the reason, the only exemption being Title 33 CFR 118.40(b).
Once we receive the required information from the owner, we will evaluate the specified conditions and respond accordingly.

#

Copy: Duncan Stewart, P.E. – TX DOT ENV



U.S. Department
of Transportation

**Federal Highway
Administration**

Texas Division Office
300 East 8th Street, Rm. 826
Austin, Texas, 78701

February 4, 2003

In Reply Refer To:
HPC-TX

IH 30 & IH 35 Trinity River Bridges
Dallas County, Texas

Mr, Marcus N. Redford, P.E.
Chief, Bridge Administration Branch
Eight Coast Guard District
501 Magazine Street
New Orleans, LA 70130-3396

Dear Mr. Redford:

The Texas Department of Transportation is proposing to replace the existing IH35 and IH 30 bridges over the Trinity River near downtown Dallas, Texas. On January 27, 2003 they provided information to this office supporting their contention that a USCG permit is not required for both locations. We note the following points from this and earlier correspondence on the navigability of Trinity River at City of Dallas:

1. The Trinity River is not tidal at the IH35 and IH30 crossing in City of Dallas.
2. The Trinity River at both above locations are used only by small recreational boats.
3. In 1981, a General Design Memorandum from U.S. Army Corps of Engineers stated that a multipurpose navigation channel was not economically feasible upstream of Liberty Texas.

Therefore, we conclude that the Trinity River at IH35 and IH 30 are not now used nor is it susceptible to use in its natural condition or by reasonable improvement as a means to transport interstate or foreign commerce. We believe that, pursuant to 23 U.S.C. 144(h), those bridges replacement construction are exempt from the requirements imposed under 33 U.S.C. 401 and

525(b). Further, that this bridge project is exempt from the lighting and signal requirement of 33 CFR 118.40(b). Your concurrence and/or guidance are required.

Sincerely yours,

/s/Original Signed
Peter Chang, P.E.
Structures Team Leader

cc: Duncan F. Stewart, P.E.- TxDOT ENV

SEP-30-2003 TUE 07:59 AM TXDOT-DALLAS

FAX NO. 2143204470

P. 02



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

September 24, 1996

SECTION 106: MITIGATION AGREEMENT

Dallas County
CSJ 0442-02-109**IH-35(E) HOV Lane: From South of US 67 to IH-30**Ms. Linda Roark
Department of Architecture
Texas Historical Commission
Austin, Texas 78711

Dear Ms. Roark:

The above federally-assisted undertaking involves the construction of a high occupancy vehicle (HOV) lane on IH-35(E) between the US 67 interchange and IH-30 in the city of Dallas. The project location is indicated on the enclosed map.

The operation of the proposed HOV facility will require an interim crossover structure between the Houston Street and Jefferson Boulevard viaducts south of downtown Dallas. This crossover will allow traffic from the central business district to access the southbound HOV facility during evening operation. Current plans call for the removal of the crossover structure once the IH-30 / IH-35(E) interchange area is reconstructed to include a permanent HOV facility.

The Houston Street viaduct is a 1912 concrete arch structure which is listed in the National Register of Historic Places. Construction of the proposed crossover structure will require the removal of approximately 32 feet of the viaduct's southern railing. You indicated in your letter of September 11, 1996, that the proposed project would have an *adverse effect* on the subject viaduct. You also recommended mitigation measures to address the anticipated adverse effect.

Pursuant to the Statewide Programmatic Agreement for Cultural Resources, we hereby propose the following mitigation plan.

106 DCA

SEP 25 1996

SEP-30-2003 TUE 07:59 AM TXDOT-DALLAS

FAX NO. 2143204470

P. 03

Ms. Linda Roark

(2)

September 24, 1996

Dallas County**IH-35(E) HOV Lane: From South of US 67 to IH-30**

1. The proposed project will require the removal of approximately 32 feet of the Houston Street viaduct's southern railing. The Texas Department of Transportation (TxDOT) will ensure that as little as possible of the railing is removed to accommodate the interim high occupancy vehicle (HOV) crossover.
2. TxDOT will remove the interim crossover structure as soon as possible. Current plans call for the removal of the crossover once the IH-30 / IH-35(E) interchange area is reconstructed to provide a permanent HOV facility.
3. When the crossover structure is removed, TxDOT will restore the Houston Street viaduct to its previous appearance by replacing the missing railing segment with either the salvaged historic railing or an in-kind replica thereof.
4. TxDOT will restore the historic light standards on the Houston Street viaduct as part of the subject HOV project. Missing light standards will be replaced with fixtures which match the existing historic standards, and all standards will be restored to good working order.

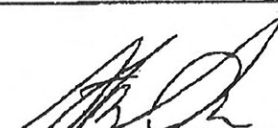
Please indicate your acceptance of this mitigation plan by signing in the space below and returning a copy of this letter to our office. Should you have any questions, please contact me at (512) 416-2755.

Sincerely,



Gary D. Hammer
Cultural Resource Specialist
Environmental Affairs Division

Enclosure

ACCEPTED	
NAME: 	DATE: <u>10/17/96</u>
State Historic Preservation Office	



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

December 14, 2004

Mario Sanchez
Environmental Affairs Division
Texas Department of Transportation
125 E. 11th St.
Austin, TX 78701

COPY

Re: *Project review under Section 106 of the National Historic Preservation Act of 1966
Project Pegasus: IH 30 from Sylvan Avenue to IH45 and IH 35E from eight Street to
Empire Central, Dallas, Dallas County (TXDOT/106)*

Dear Mr. Sanchez:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Quana Childs, has completed its review of the project documentation provided and has determined the project as proposed would have NO ADVERSE EFFECT on National Register listed or eligible properties.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Quana Childs at 512/463-9122.**

Yours truly,

Quana Childs, Architect
for: F. Lawrence Oaks, State Historic Preservation Officer

cc: Dallas County Historical Commission
FLO/QC

