

Section 106 Consultation



US Army Corps
of Engineers®
Fort Worth District



Resolving Adverse Impacts Resulting from Corps Approval to
Modify the Trinity River Levee

January 8, 2008

Why Has the Corps Waited Until Now To Do Section 106?

- No application has been filed with the Corps to modify the levee as of January 8, 2008.
- Construction currently underway can be completed without a Corps approval/permit – but would require substantial modification.
- All regulatory compliance work initiated by the Corps to date is proactive in anticipation that a permit application will be filed.

The Section 106 Process

- Identify Historic Properties.
- Assess Effects.
- Consult to resolve adverse effects, usually through a written agreement that stipulates ways to avoid, reduce or mitigate adverse effects.

The Consulting Parties

- US Army Corps of Engineers, Fort Worth District (USACE)
- Texas Historical Commission (THC)
- Tarrant County College District (TCCD)
- Historic Fort Worth, Inc.
- North Fort Worth Historical Society
- Tarrant Regional Water District (TRWD)
- Tarrant County Historical Commission
- Historic Landmarks, Inc.
- Historic Conservation, Inc.
- City of Fort Worth Historic and Cultural Landmarks Commission
- National Trust for Historic Preservation Southwest Office

Involve the Public

- A public meeting was held October 9, 2007.
- The Corps has created a website to keep the public informed at <http://www.swf.usace.army.mil/pubdata/notices/trinityriverlevee/index.asp>.
- For discussion during consultation : Is this adequate public participation?

Identification

- Previous Identification Efforts in the Area

“Beyond the Bluff: Urban Development At The Confluence of the West Fork and Clear Fork Of The Trinity River, 1849-1965”

- Created for Central City but the APE is similar



Historic Properties Present

- Area of Potential Effect (APE) is shown in Figure 4 of the Corps report of findings.
- Properties immediately adjacent to the site are the Courthouse, the Viaduct, TXU, the Levee and the Bluff.
- Viewshed - NRHP properties eligible are listed in Table 1 of the Corps report of findings.

Traditional Cultural Property

National Register Bulletin #38

- A TCP can be defined...as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community.

Understanding TCPs

Places That Count by Tom King - page 34

- A place can be eligible for its values to the community.
- Such a place may not be perceived as valuable to an outsider.
- It can be a natural place such as landscape.
- It is how the community perceives the place and its significance that matters.

A Living Community

- Native American groups have been traditionally associated with TCPs.
- Nonindigenous groups can also comprise a living community.
- The citizens of Fort Worth, bound by a common cultural heritage, constitute a living community with shared social and economic cultural practices.

A. Rooted in the Fort Worth's History

National Register Bulletin #38

- Essential to the site selection of the Fort by Major Ripley Arnold.
- As part of the Chisolm/Eastern trail, the bluff is integral to the cultural identity of Fort Worth as “Cowtown.”
- Fundamental to the location of the Historic Tarrant County Courthouse

**Fort Worth
...the way
we were.**

In 1876, downtown looked like this to bird's-eye artist D.D. Morse.



Color scan courtesy Amon Carter Museum

Black and white copy available in Jack White Collection, University of Texas at Arlington.

By Ron Tyler
Director, Amon Carter Museum

Itinerant artist D. D. Morse arrived at a propitious moment in the history of Fort Worth. In April 1876, when he composed this classic bird's-eye view from the northwest, the village, buffeted by the effects of the Civil War and economic depression, was struggling for its very existence. Established in 1849 as one of a series of military posts in the frontier defense system, the settlement had suffered the abandonment of Army troops in 1853 and three years later survived a bitter election with Birdville to become the county seat of Tarrant County; a modest courthouse was built on the present location, as drawn by Morse (this is the only known depiction of this first courthouse). As the Civil War came to a conclusion, the population of the city had decreased by perhaps 85 percent to fewer than 1,000 and was slow to recover, especially as the effects of the Panic of 1873 played out. But the arrival of the cattle drives, beginning as early as 1866, and the railroad a decade later heralded better things for the city, and Morse's birds-eye view foretells by some three months the arrival of the Texas and Pacific Railway's Engine No. 20 on July 19, which proved to be a turning-point in the city's fortunes.

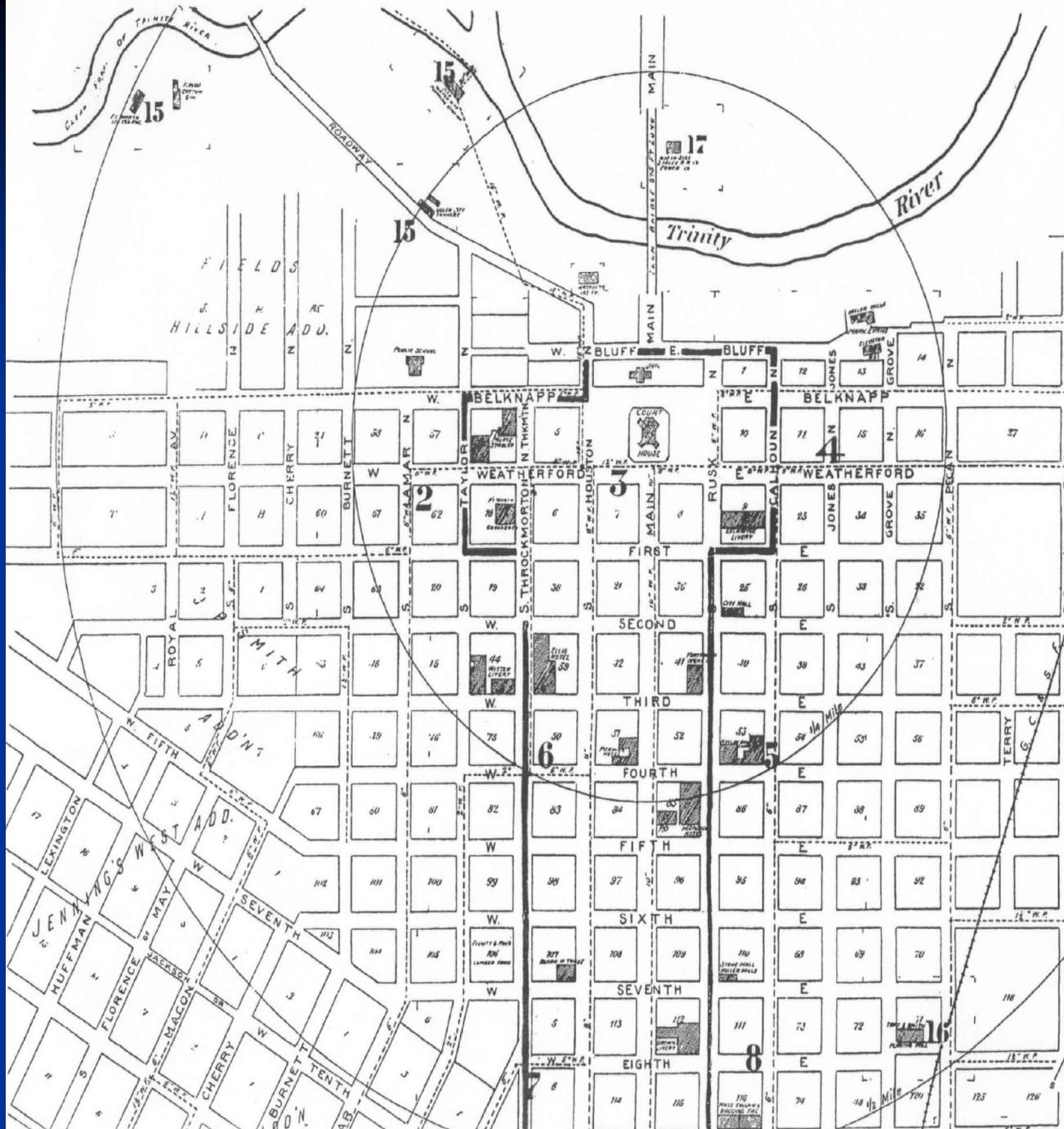
- The Bluff was the location chosen for the marker that commemorates the Chisholm/Eastern Trail.



B. Important in Maintaining the Continuing Cultural Identity of Fort Worth

National Register Bulletin #38

- Loss of the bluff's integrity would diminish the cultural identity of Fort Worth as "Cowtown" and its western history and heritage that forms the core of the city's cultural identity.
- Loss of the bluff's integrity diminishes the setting for the central business district to the north and the viewshed of the floodplain that is historically tied to the significance of the stockyards and the city's cultural identity.



SEP. 1889
FT. WORTH
 TEX.

POPULATION, 28000.

PREVAILING WINDS, N. & S.

WATER FACILITIES.

City Water Works Direct Pressure Pumping Station on Trinity River 30 ft below level of Public Square. Water taken through 20 in suction pipe from river and from 14-2" Wells each driven 25 ft below river bed, and discharged through 16" Pipe.
 Plumbly Use Jumper Pumping Eng. Cap. 3 Million Gallons
 1 Workington High Pressure Pump " 1
 Average Daily Consumption " 2
 Domestic Pressure 40 lbs per Sq. Inch " 15
 Fire " 115
 2 1/2 Miles of W. Pipes. See Index Plan for distribution.
 128 Double Hydrants.
 Fire Alarm teleq. connection at Pump Hu.

FIRE DEPARTMENT Partly Paid

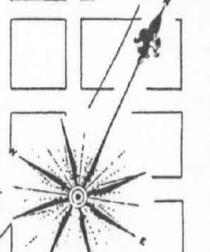
4 Drivers, 1 Millerman, 1 Chief, & 1 Electrician, Fully Paid
 175 Volunteers, about 25 of which are active.
 1 Silsby 4th Class steamer in reserve.
 3 Hose Carts with 800 ft hose each and 1 Hook & Ladder Truck (55' Ladder) with 4 fire extinguishers, drawn by Horses.
 2 Hose Carts, 500' hose each in dwelling district on South Side drawn by men
 2500 ft. 2 1/4" Good Rubber "Maltcoke Cross" Hose, 2000 ft. of same ordered.
 27 Fire Alarm Boxes divided into two circuits

ELEVATIONS - City practically level excepting along river, which is about 10 ft below level of public Square.

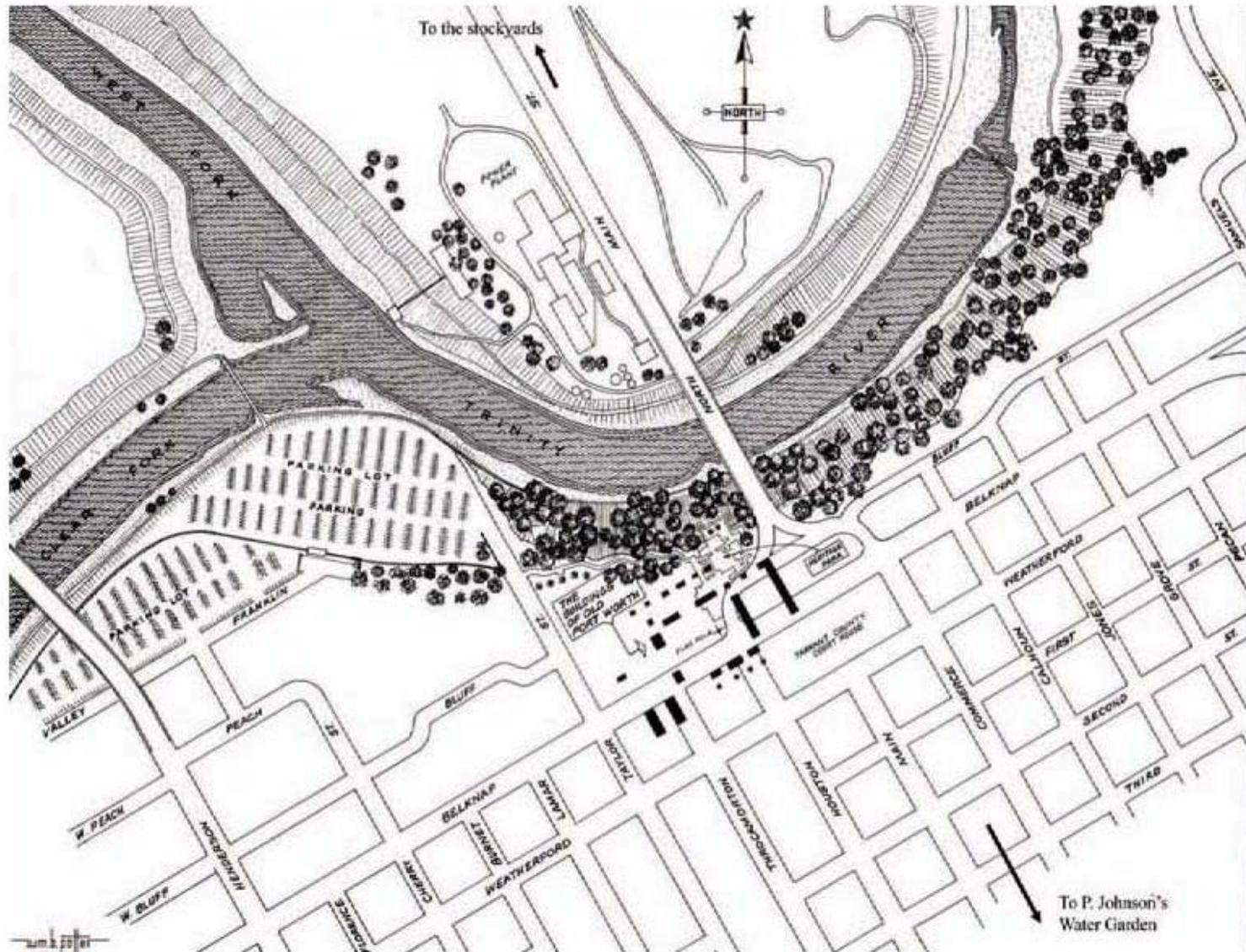
NOTE, Some Additions are without name, also some block numbers are omitted, or duplicated in same addition but further information, not obtainable.

FIRE LIMITS - Shown on Index Plan by red line. Frame buildings prohibited, but Iron Clad allowed. Fire Ordinance (in re-structure) not properly enforced, Infractious frequent and unpunished.

AWNINGS - Majority constructed of Corrugated iron on small frame scantling, supported by iron posts or brackets - Colored yellow. When constructed entirely of iron - Colored Grey.



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1.2 1995 map of downtown Fort Worth. Map by William Potter illustrated as the frontispiece in Robert Selcer's *The Fort that Became a City*. Fort Worth: Texas University Press, 1995 (with two notations by the author).

What TCPs Share

Places That Count by Thomas King p104

TCPs need to have at least one of these qualities:

- Spiritual Power
- Practice
- Stories (often associated with founding of the group)
- Therapeutic Qualities
- Remembrances (emotional attachment to place)

The Bluff has at least two of these qualities.



1952

**Fort Worth
...the way
we were.**

River that gave birth.

In January 1849 Army General William Jenkins Worth, Mexican War hero, proposed a line of ten forts to protect Texas settlers from Indians. Major Ripley S. Arnold was ordered to find a new fort site near the West Fork and Clear Fork of the Trinity River. On June 6, 1849, Arnold established a camp on the bank of the Trinity River near what is now Cold Springs Road and Samuels Avenue because of the good water supply. But mosquitos and the swampy area caused him to relocate the camp in August to the higher nearby bluff seen in the vintage photo at right overlooking the confluence of the West Fork and Clear Fork of the Trinity River. The fort was just west of the 1895 courthouse in the picture. Arnold named the post Camp Worth in honor of General Worth. The War Department officially renamed the camp FORT Worth on November 14, 1849. Although Indians were still a threat in the area, pioneers were already settling near the fort. When relocating the camp, Arnold had found George "Press" Farmer already living on the bluff and allowed him to open the first sutler's store. Press Farmer, the town's first resident, was soon joined by other early settlers including Ephraim M. Daggett, George W. Terrell, Ed Terrell, Howard W. Peak and John Peter Smith. Later when a new line of forts was built farther west, the army abandoned Fort Worth on September 17, 1853, and settlers took uncontested possession of the site. John Peter Smith opened a school with twelve students in 1854; Henry Daggett and Archibald Leonard started department stores. Julian Feild ran a general store and flour mill. In 1860 Fort Worth became the county seat of Tarrant County, named for General Edward H. Tarrant, who had built a fort on Village Creek farther east. Construction began on a stone county courthouse. After a delay due to the Civil War the courthouse was finished in the 1870s but burned in 1876. The plentiful water supply of the Trinity is what gave birth to a city...named for a general who never saw it.

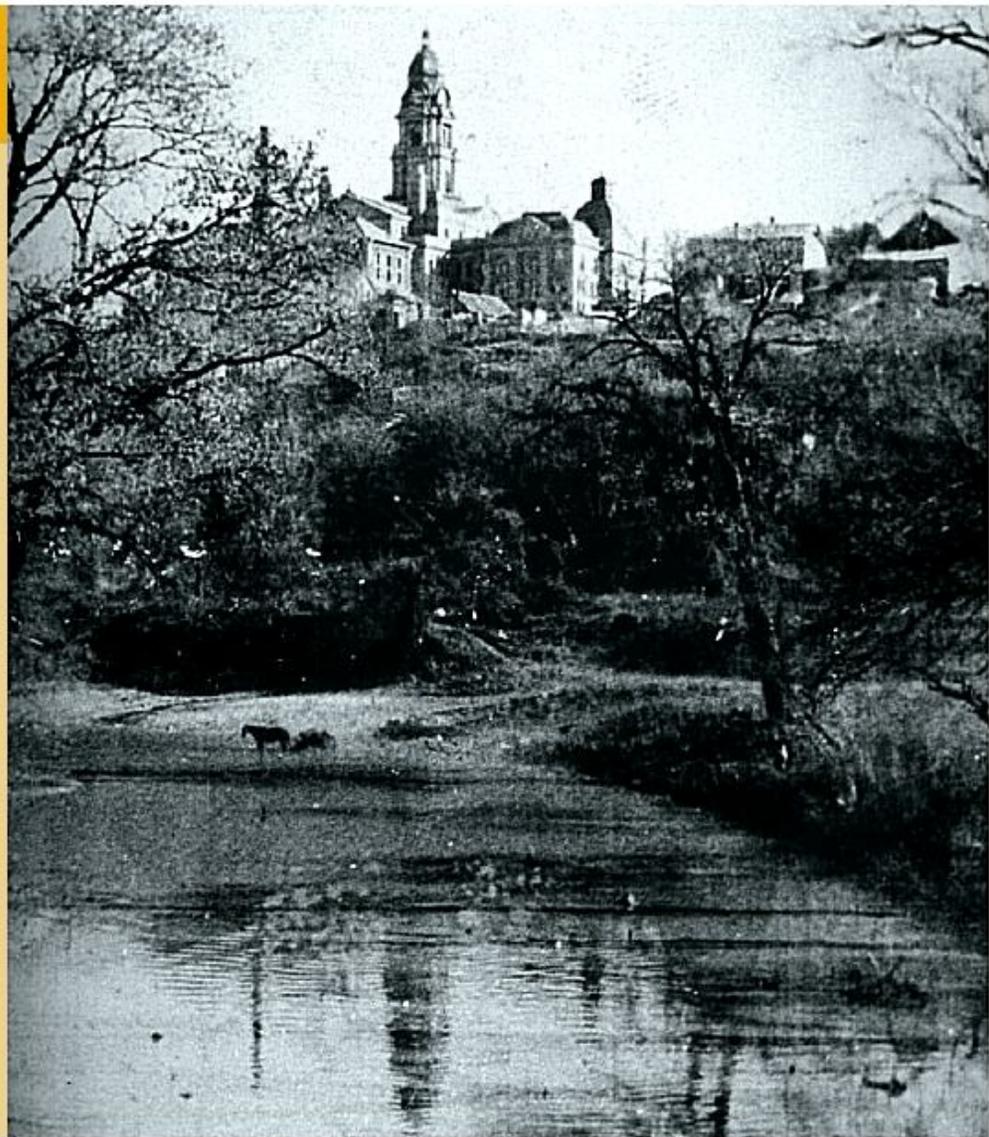


Photo from Jack White Collection of Historic Fort Worth photos, University of Texas at Arlington

Apply Definition of Adverse Effect

- When an undertaking may alter, directly or indirectly, any of the characteristics that qualify the property for inclusion on the National Register in a manner that would *diminish* the integrity of the property's *location*, design, *setting*, materials, workmanship, *feeling or association*. 36 CFR 800.5

Corps Findings of Effect

- The Viaduct – Adverse visual effect on the setting by placing a new structure that changes the setting, feeling and association.
- The Levee – Adverse effect by the modification by altering the levee.
- The Courthouse - Adverse visual effect on the setting, feeling and association.
- TXU Powerhouse – No Adverse effect initially found, but THC finds adverse effects. Corps now concurs with THC.
- The Bluff – Adverse effect to a Traditional Cultural Property (TCP) by removing trees essential to its integrity and changing the setting, feeling and associations.

Other Historic Properties Within the Viewshed Are No Adverse Effect



Archeological Properties



- None currently identified.
- Potential for future discovery if levee modifications are made.
- Construction on the bluff side occurred before initiating Section 106 and was performed under the Texas Antiquities Code.

Memorandum of Agreement (MOA)

- MOA is a legal document that stipulates what measures will be taken to avoid, reduce or mitigate adverse effects.
- An MOA is evidence of Corps compliance with Section 106 and approval/permit may be issued when signed by the signatories.
- When all stipulations of the MOA are fulfilled, Section 106 is complete.

Who Must Sign the MOA?

- Parties that have responsibilities must sign as signatories in order to be a legal agreement
 - USACE (Ensures agency 106 compliance)
 - THC (Represents interests of all Texans)
 - TCCD (Responsible for all mitigation)
 - TRWD (Has maintenance agreement with TCCD and USACE on historic levee)

- All others are invited to sign as concurring parties

Consultation

Consulting parties consult to find to avoid, reduce or mitigate adverse effects.

