# SECTION 106 FINDINGS OF THE U.S. ARMY CORPS OF ENGINEERS REGARDING THE TARRANT COUNTY COLLEGE DISTRICT REQUEST TO MODIFY THE TRINITY RIVER LEVEE

U.S. Army Corps of Engineers
Fort Worth District
October 25, 2007

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## Description of Undertaking

The Tarrant County College District (TCCD) has requested approval and/or a Section 404/408 permit(s) from the United States Army Corp of Engineers (USACE) to modify the Trinity River levee near downtown Fort Worth, Texas, in order to construct foundations for a new downtown Campus. The USACE is currently conducting an Environmental Assessment for the project.

The Campus is situated on both sides of the Trinity River near downtown Fort Worth, Texas. The Campus spans the river and is partially located in the floodplain. The issuance of an approval or permit constitutes an undertaking that has the potential to affect historic properties and will invoke Section 106 compliance of the National Historic Preservation Act of 1966. The project is shown in Figure 1.

The Tarrant Regional Water District, the current owner of the levee, intends to transfer ownership to the TCCD while maintaining responsibilities to operate and maintain the levee under an agreement with the USACE.

Prior to requesting approval to modify the levee, construction of the Campus began on the downtown bluff side of the river and does not involve federal funding, permit or approval and is not, in itself, an undertaking as defined in 36 CFR §800. The current construction activity is occurring regardless of whether or not USACE approval/permit is obtained to modify the levee. The Campus could be completed in a manner that does not require USACE approval or permit, and a federal Section 106 undertaking would thus be avoided.

The direct effect of issuance of an approval/permit would be to modify the levee. The indirect effect of the levee modification is the construction of the Campus on both banks, which spans the Trinity River with a pedestrian footbridge. A cumulative effect would occur to the TCCD owned TXU power plant (a part of the Campus master plan), when plans for its reuse are developed.

The portions of the Campus that interact with the levee and the river are as follows:

- Piers in and near the above grade portion of the levee on the north side of the Trinity River that support the pedestrian bridge
- Piers in and near the above grade portion of the levee on the north side of the Trinity River that support the Student Services and Library Buildings (Buildings 5 and 6)
- Piers in the levee template below grade that are foundations for the Allied Health and Nursing Building
- Temporary piers in the river that support the work bridge needed to construct the pedestrian bridge

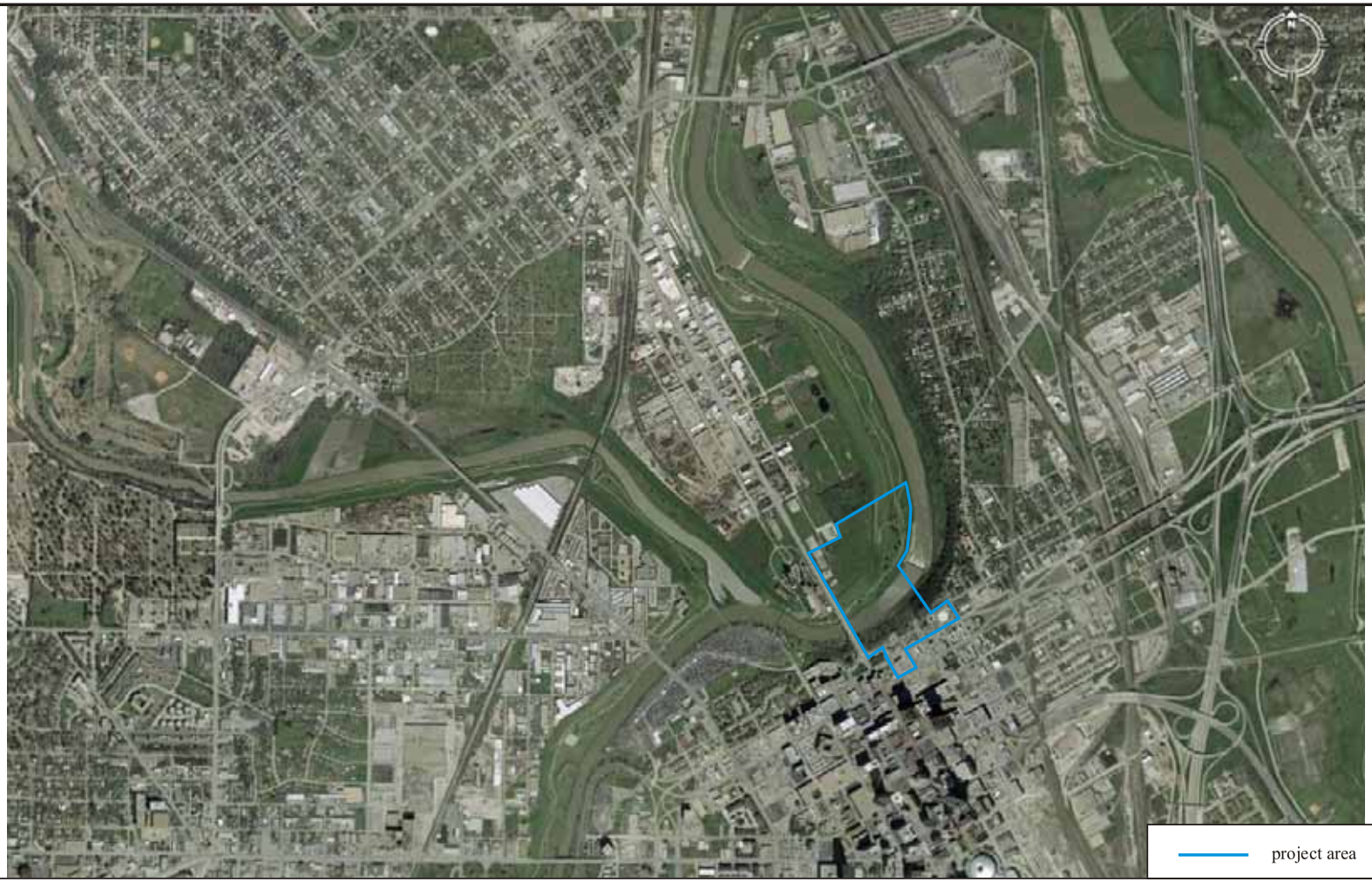


**Figure 1.** Tarrant County College district project area (in blue).

basemap source: Google maps, 2007.

A more detailed description of the structures within the flood plain follows.

***Pedestrian Bridge (Figure 2)***

A pedestrian bridge would span the river to provide access for pedestrians and light vehicles from one part of the campus to the other. The bridge deck structure would also serve as the primary distribution route for hot and cold water pipes, electricity, communications, and IT cabling from the central plant room on the north to the downtown campus. The bridge has two walkways: the first is a horizontal pathway, set at an elevation of approximately 555 feet; the second slopes from this level up to 577 feet. Both walkways would be supported from a central spine, which spans from columns within the flood plain to the north and to the edge of the buildings on the downtown side. The span of the spine would be approximately 450 feet. North of the bridge is a length of pedestrian walkway that spans the levee to the buildings beyond the flood plain. This walkway (containing piped utility services similar to that of the bridge walkway) bears on the levee or is supported on piled foundations formed through the levee.

***Student Services and Library Buildings (Figure 3)***

Both buildings would be accessed from the pedestrian bridge. The structure of both buildings will include long-span trusses, two to three stories high, so that supporting columns would be at least 100-foot spacing along the length of the building. The supporting columns would be located mostly within the flood plain to the north of the river, with one or two structures possibly in the current channel zone under normal flow conditions.

## Area of Potential Effect

The Area of Potential Effect (APE) is described as the area shown in Figure 4 in red.

## Background Information and Historic Properties Present

The area is historically referred to as downtown/North Fort Worth and was mainly used for industrial and commercial purposes associated with the cattle industry. The Union Stockyards were established in 1889 just north of the project area (Prior 2005:20). The city of Fort Worth as a whole was the largest livestock market in Texas and the largest south of Kansas City (TSHA 2007).

The APE for this undertaking resembles the one used in the USACE Central City undertaking that resulted in a 2006 Programmatic Agreement mitigating adverse effects resulting from the construction of a bypass channel. However, the boundaries of this APE are smaller to the north and extend only as far as the viewshed from the bluff (Figure 4). Efforts for this undertaking to identify historic properties relied heavily on the 2005 Central City report *Below the Bluff: Urban Development at the Confluence of the West Fork and Clear Fork of the Trinity River, 1849-1965.*

A review of the Texas Historic Sites Atlas and previous reports prepared for other studies of the project area was conducted to determine if any National Register of Historic Places (NRHP)-listed or previously documented buildings, structures, objects, or state historic markers lie within or near the proposed APE. Properties or documented resources of historic age are located within the proposed APE and are listed in Table 1 and illustrated in Figure 5.

**Figure 2.** Model of pedestrian bridge spanning the levee.

**Figure 3.** Model of proposed construction relating to the viaduct and TXU.

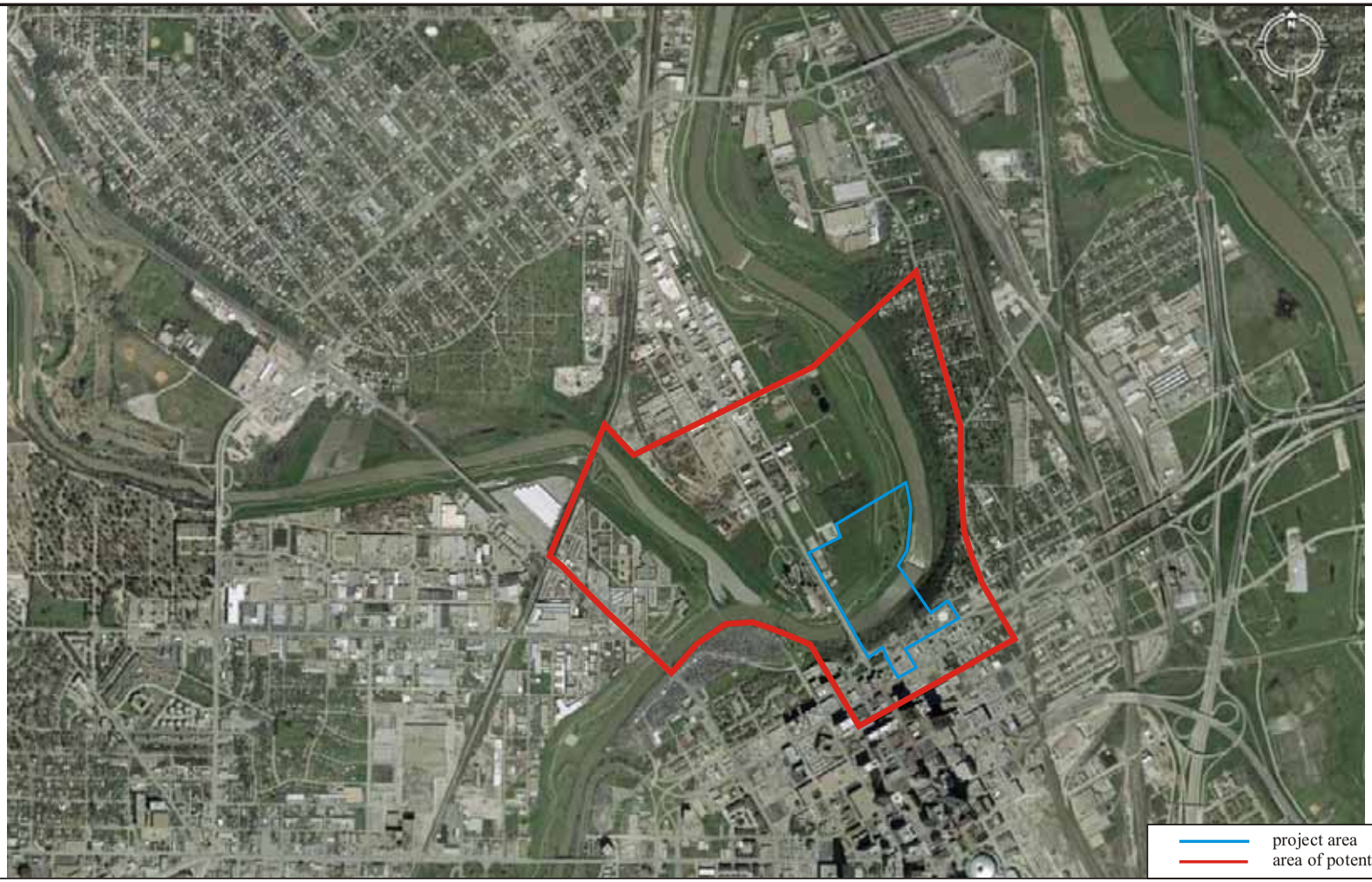


**Figure 4.** Tarrant County College district project area (in blue) and the APE (in red).

basemap source: Google maps, 2007.

**Figure 5.** Tarrant County College district project area (in blue) and the APE (in red) with previously documented historic-age resources (in yellow).

basemap source: Google maps, 2007.

**Table 1. Previously Documented Historic Properties with in the APE**

| *Map Key* | *Address* | *Name and Date of Construction* | *NRHP Significance* | *Comments* |
|---|---|---|---|---|
| 1 | 1005 Samuels Avenue | Residence at 1005 Samuels Avenue, 1900 | *N/A* | THC Neighborhood survey. Serial #NRS79-21748.** |
| 2 | 1011 Samuels Avenue | Residence at 1011 Samuels Avenue, ca. 1900 | *N/A* | THC Neighborhood survey. Serial #NRS79-21749.** |
| 3 | 915 Samuels Avenue | Residence at 915 Samuels Avenue, 1903 | *N/A* | THC Neighborhood survey. Serial #NRS79-21747.** |
| 4 | 901 Bennett Street | Residence at 915 Bennett Street, 1904 | *N/A* | THC Neighborhood survey. Serial #NRS79-22078.** |
| 5 | 823 Samuels Avenue | Residence at 823 Samuels Avenue, ca. 1890 | *N/A* | THC Neighborhood survey. Serial #NRS79-21746.** |
| 6 | 815 Bennett Street | Residence at 815 Bennett Street, 1910 | *N/A* | THC Neighborhood survey. Serial #NRS79-22077.** |
| 7 | 761 Samuels Avenue | Residence at 761 Samuels Avenue, ca. 1880 | *N/A* | THC Neighborhood survey. Serial #NRS79-21744.** |
| 8 | 769 Samuels Avenue | Residence at 769 Samuels Avenue, ca. 1895 | *N/A* | THC Neighborhood survey. Serial #NRS79-21745.** |
| 9 | 731 Samuels Avenue | Bennet House, ca. 1875 | *N/A* | THC Neighborhood survey. Serial #NRS79-21743.** |
| 10 | 625 North Commerce | Hobbs Trailers, 1928 | *Eligible A, C** | Property Number 15[1] |
| 11 | 648 North Commerce | Carruthers Stone, 1930 | *Eligible A, C** | Property Number 18[1] |
| 12 | 601 North Throckmorton | Hutchinson Pipe and Waste Material Company, 1940 | *Eligible A, C** | Property Number 13-A[1] |
| 12 | 601 North Throckmorton | Hutchinson Pipe and Waste Material Company, 1940 | *Eligible A, C** | Property Number 13-B[1] |
| 13 | 609 North Houston | Hobbs Trailers, 1950 | *Eligible A, C** | Property Number 14[1] |
| 14 | 529-541 North Throckmorton | Unknown, 1940 | *Eligible A, C** | Property Number 3-A[1] |
| 15 | Flood Control System | Flood Control System, 1910-1957 | *Eligible A, C** | Property Number 104[1] |
| 16 | 500 block, North Commerce Street | Texas Rail and Joint Company, ca. 1920 | *N/A* | THC Neighborhood survey. Serial #NRS82-3807.** |
| 17 | 619 (?) Samuels Avenue | Residence at 619 (?) Samuels Avenue, 1910 | *N/A* | THC Neighborhood survey. Serial #NRS79-21741.** |
| 18 | 811 East Bluff Street | Residence at 811 East Bluff Street, 1900 | *N/A* | THC Neighborhood survey. Serial #NRS79-22081.** |
| 19 | 315 East Belknap | First Masonic Hall in Fort Worth, Site of | *N/A* | Historic Marker #13486.** |
| 20 | 410 East Weatherford Street | Texas State Teachers Association Building/Southwestern Cattle Raisers Association Building, 1930 | *N/A* | THC Neighborhood survey. Serial #NRS79-21795.** |
| 21 | 400 block East Weatherford | Walter A. Huffman School, ca. 1920 | *N/A* | THC Neighborhood survey. Serial #NRS79-21936.** |
| 22 | 205 East Belknap | Commercial Building at 205 East Belknap, 1915 | *N/A* | THC Neighborhood survey. Serial #NRS4-22055.** |
| 23 | Belknap at Commerce, Southeast Corner | Commerce Building at Belknap and Commerce, ca. 1900 | *N/A* | THC Neighborhood survey. Serial #NRS4-22054.** |
| 24 | 2801-2 East Weatherford | State Apartments, ca. 1925 | *N/A* | THC Neighborhood survey. Serial #NRS79-21935.** |
| 25 | Southeast corner of Weatherford and Main | Ellison Building, 1906 | *N/A* | THC Neighborhood survey. Serial #NRS79-21793.** |
| 26 | 109-111 Main Street | Carter Building, ca. 1900 | *N/A* | THC Neighborhood survey. Serial #NRS79-21800.** |

**Table 1. Previously Documented Historic Properties with in the APE**

| *Map Key* | *Address* | *Name and Date of Construction* | *NRHP Significance* | *Comments* |
|---|---|---|---|---|
| 27 | 100 East Weatherford Street | Tarrant County Courthouse, 1894 | *Listed, 1970* | Property Number 107[1] |
| 28 | 100 Houston Street | Civil Courts Building, 1958 | *N/A* | THC Neighborhood survey. Serial #NRS79-21658.** |
| 29 | 101-107 Houston Street | "Joe Daiches Jewelers," 1910 | *N/A* | THC Neighborhood survey. Serial #NRS79-21659.** |
| 30 | 111 Houston Street | Commercial Building at 111 Houston Street, 1910 | *N/A* | THC Neighborhood survey. Serial #NRS79-21660.** |
| 31 | 111-113 Houston Street | Victorian Commercial Buildings, ca. 1895 | *N/A* | THC Neighborhood survey. Serial #NRS79-21783.** |
| 32 | 113 Houston Street | Unknown, 1904 | *N/A* | THC Neighborhood survey. Serial #NRS79-21661.** |
| 33 | 300 West Belknap, Northwest corner of North Houston | County Criminal Courts Building, ca. 1925 | *N/A* | THC Neighborhood survey. Serial #NRS79-22056.** |
| 34 | 300 West Belknap Street | Tarrant County Criminal Courts Building, 1962 | *N/A* | THC Neighborhood survey. Serial #NRS79-22075.** |
| 35 | Southeast corner of Criminal Court Building | Granite Boulder Historical Monument,1921 | *N/A* | THC Neighborhood survey. Serial #NRS79-22074.** |
| 36 | Paddock Viaduct | Paddock Viaduct, 1902 | *Listed, 1976* | Property Number 103[1] |
| 37 | Fort Worth Power and Light/TXU | Fort Worth Power and Light Buildings, 1910 | *Eligible A, C** | THC Neighborhood survey. Serial #NRS82-23171. ** Property Number 1-A[1] |
| 37 | Fort Worth Power and Light/TXU | Fort Worth Power and Light Buildings, 1940 | *Eligible A, C** | THC Neighborhood survey. Serial #NRS82-23171. ** Property Number 1-B[1] |
| 37 | Fort Worth Power and Light/TXU | Fort Worth Power and Light Buildings, 1940 | *Eligible A, C** | THC Neighborhood survey. Serial #NRS82-23171. ** Property Number 1-C[1] |
| 37 | Fort Worth Power and Light/TXU | Fort Worth Power and Light Buildings, 1940 | *Eligible A, C** | THC Neighborhood survey. Serial #NRS82-23171.** Property Number 1-F[1] |
| 37 | Fort Worth Power and Light/TXU | Fort Worth Power and Light Buildings, ca. 1940 | *Eligible A, C** | THC Neighborhood survey. Serial #NRS82-23171. ** Property Number 1-G[1] |
| 38 | 501 North Main | Texas Beer Company, 1931 | *Eligible A, C** | Property Number 5[1] |
| 39 | Henderson Street Bridge | Henderson Street Bridge, 1930 | *Eligible A, C** | Property Number 101[1] |
| 40 | 701 North Henderson | Triple A Package Store, 1946 | *Eligible A, C** | Property Number 87[1] |
| 41 | 900 Woodward Street | City of Fort Worth, 1940 | *Eligible A, C** | Property Number 96-A[1] |
| 42 | Saint Louis, San Francisco and Texas Railway Bridge | Saint Louis, San Francisco and Texas Railway Bridge, 1902 | *Eligible A, C** | Property Number 102[1] |

*Source: Prior, et al, 2005: Table 1-1
**Source: Texas Historic Sites Atlas (THSA), 2006
[1]the property numbers refer to the assigned numbers of the Prior, et al report.

*NRHP Evaluation of the Bluff*

The Corps had previously determined the bluff ineligible for the NRHP during the Central City Section 106 consultation. However, no determination of the bluff as a potential Traditional Cultural Property (TCP) was made at that time. The following examines the bluff as a TCP.

National Register Bulletin 38 (NBR 38), Guidelines for Evaluating Traditional Cultural Properties states:

> Construction by human beings is a necessary attribute of buildings and structures, but districts, sites, and objects do not have to be the products of, or contain, the work of human beings in order to be classified as properties. For example, the National Register defines a "site" as "the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure." Thus a property may be defined as a "site" as long as it was the location of a significant event or activity, regardless of whether the event or activity left any evidence of its occurrence. A culturally significant natural landscape may be classified as a site, as may the specific location where significant traditional events, activities, or cultural observances have taken place. A natural object such as a tree or a rock outcrop may be an eligible object if it is associated with a significant tradition or use. A concentration, linkage, or continuity of such sites or objects, or of structures comprising a culturally significant entity, may be classified as a district.

The USACE finds the bluff to be a natural object, a tree-lined outcrop of rock that is associated with a significant local tradition and use, meeting the guidelines for a culturally significant landscape.

NRB 38 further states:

> A Traditional Cultural Property, then, can be defined generally 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.

The bluff has had an integral relationship to traditional Anglo cultural practices of habitation and commerce conducted on the bluff since the founding of the city. The bluff was essential in the site selection of the U.S. Army fort of Fort Worth by Major Ripley Arnold in 1849 due to the proximity to water and its location on the bluff where visibility was essential to eliminate surprise attack. As an important part of the Eastern and Chisholm Trails, the bluff played an important part of the movement of cattle north, providing a break that encouraged the development of the stockyards and the meat-processing industry, reflecting the cultural values of the West and the moniker of Cowtown for the City of Fort Worth. (Figure 6 shows the bluff near the campus construction and a marker denoting the trail.) It was chosen as the setting for the Tarrant County Courthouse in part because of the visual dominance afforded by the strategic location on the bluff, and it features prominently in historic maps of the city (Figure 7b). The bluff also forms the natural boundary to the USACE 1950s flood reduction via the NRHP eligible levee system that shaped the urban development of the city from the 1950s to the present day and clearly illustrates the juxtaposition of an urban grid meeting the natural landform of a river and a bluff (Figures 8a and 8b).

The USACE finds the bluff to be a vegetative natural rock outcrop associated with significant traditions and use of the citizens of Fort Worth. The bluff is integral to the founding of the city and the operation of the city, and it has continued to be used as a cultural landmark that identifies Fort Worth to the community and has provided a setting for its cultural history until the present, and thus constitutes a TCP as a landscape district.

In the case of a TCP, there are two fundamental questions to ask about integrity. First, does the property have an integral relationship to traditional cultural practices or beliefs; and second, is the condition of the property such that the relevant relationships survive?

The bluff retains its historic integrity as evidenced by the illustrations showing the bluff in renderings, historic photographs and a photograph of the bluff before TCCD construction began (Figures 7a, 7b, 8a, and 8b). The condition of the property is such that the relationships as outlined above survive, as the bluff is intact and still maintains its vegetative state. The USACE finds that the integrity of the bluff is retained in a manner that still qualifies it for the NRHP.

The bluff is found **ELIGIBLE** as a TCP Landscape District under Criterion A: Association with events that have made a significant contribution to the broad patterns of Fort Worth history through playing a prominent role as a cultural landmark in: the founding of the fort of Fort Worth, the establishment of the Eastern and Chisolm Trail, the establishment of the meat-processing industry, and urban development in Fort Worth by flood reduction measures. The Bluff Landscape District is shown in Figure 7a.

## Determination of Effect

Section 106 of the National Historic Preservation Act [per 36 CFR §800.5(a)] requires that the Criteria of Effect and Adverse Effect [36 CFR §800.9(b)] be applied in determining effects on historic properties listed in, or eligible for listing in, the NRHP.

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National

**Figure 6.** Photograph of the Eastern and Chisholm Cattle Trail historical marker located on the bluff.

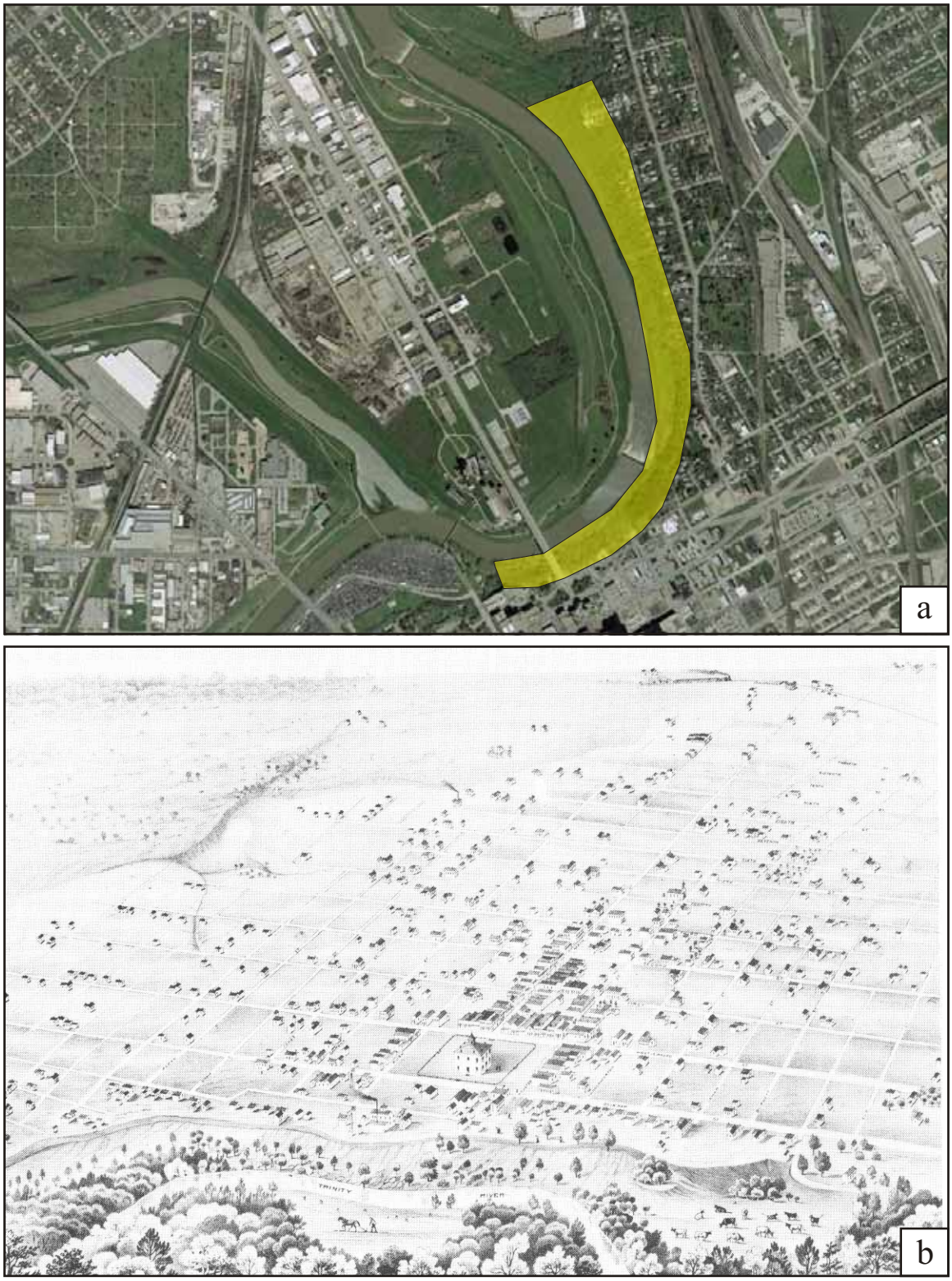


**Figure 7.** Images showing The Bluff Landscape District: a) aerial image with the district in yellow and b) historical drawing of the district area.

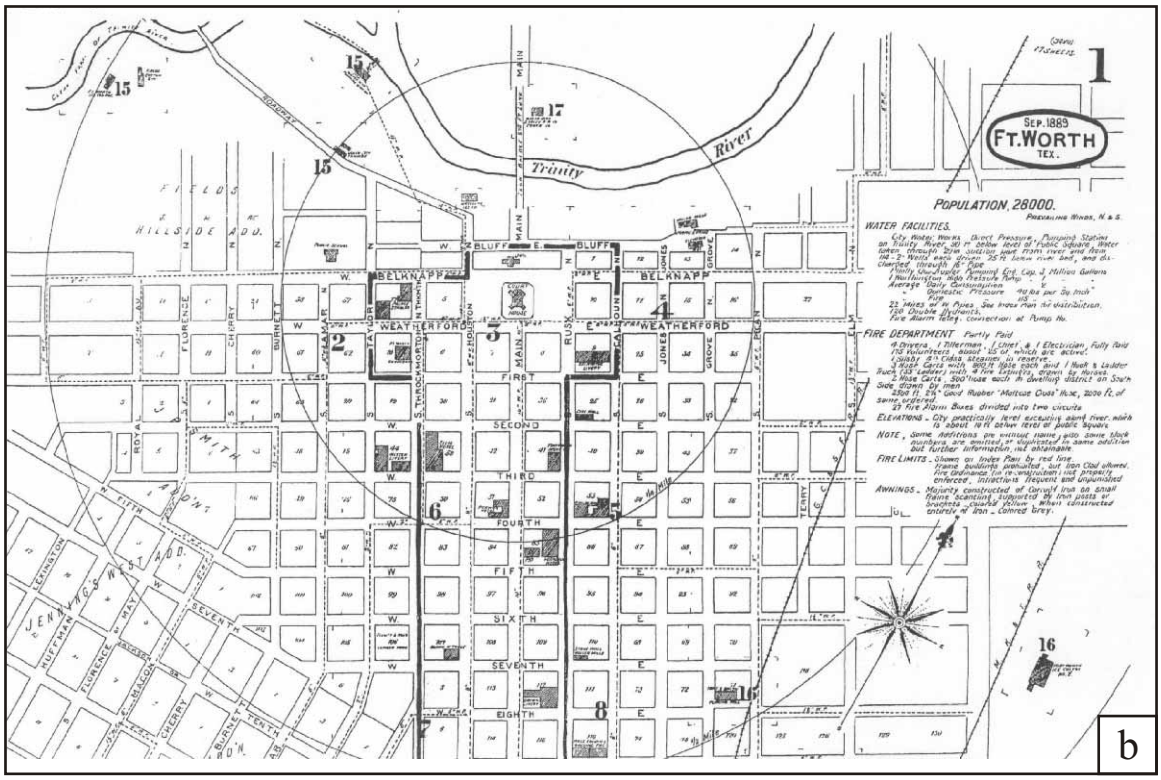


**Figure 8.** Images showing The Bluff Landscape District: a) historic photograph and b) 1889 Sanborn Fire Insurance Map.

Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

The NRHP-listed or eligible buildings identified located within the proposed APE were examined to determine the effects from the proposed project under the Criteria of Adverse Effect. The properties that are most affected are discussed individually, and properties that are more distant visually are discussed as a group below.

**1. The Levee.** The proposed levee modification is located in the north side of downtown Fort Worth. There will be a significant alteration of a portion of the levee, which has been previously determined eligible as an entire levee system for the NRHP. Under a separate undertaking, the Corps reached a 2006 Programmatic Agreement concerning Central City Portion of the Trinity River Vision to mitigate for the loss of the entire levee. The USACE finds an **ADVERSE EFFECT** to the levee by diminishing physical features that contribute to its integrity. However, the Army finds there is no further mitigation needed for any loss or damage to this resource due to mitigation reached in the 2006 Central City PA. Figure 9 shows a diagram of the proposed levee construction.

**2. The Tarrant County Courthouse.** Listed on the NRHP, the view of the property is visually affected by the construction of the campus by the alteration of its setting, which is primarily the bluff on the south side, an element essential to experiencing the court house's historical location, setting, feeling and association. The location, setting, feeling and association retains enough integrity to remain on the NRHP, but the qualities are diminished by the significant loss of the wooded area of the bluff adjacent to the courthouse, qualities essential to its listing. The USACE finds an **ADVERSE EFFECT** to this property. Figure 10 shows a model of the proposed construction relating to the courthouse.

**3. The Main Street Viaduct.** Listed on the NRHP, the view of the property is visually affected by the construction of the campus by the alteration of its setting, which is primarily the bluff on the south side and the levee on the north, an element essential to experiencing the viaduct's historical location, setting, feeling and association. The location, setting, feeling and association retains enough integrity to remain on the NRHP, but the qualities are diminished by the significant loss of the wooded area of the bluff, modification of the levee, and introduction of a visual element, the new pedestrian bridge that obstructs the viewshed of the viaduct, qualities essential to its listing. The USACE finds an **ADVERSE EFFECT** to this property. Figures 11 and 13 show a model of the proposed construction relating to the viaduct.

**4. The TXU Power Plant.** Eligible for the NRHP, the view of the property is visually affected by the construction of the campus by the alteration of its setting, which is primarily the bluff and the levee, elements essential to experiencing the power plant's historical location, setting, feeling and association. While the integrity of the location, setting, feeling and association remains intact enough to retain NRHP qualification, these qualities are not diminished by the significant loss of wooded area of the bluff, the addition of the pedestrian bridge and the modification of the levee to extent of the Viaduct and the Courthouse. This is primarily due to the way the Viaduct shields the viewshed of the TXU buildings from the proposed campus and the view of the bluff to the east. The USACE finds an **NO ADVERSE EFFECT** to this property from the alteration of its location, setting, feeling and associations.

The TCCD has included the power plant in its campus footprint but does not have current plans to use the buildings. However, the future plans for these structures are within the cumulative

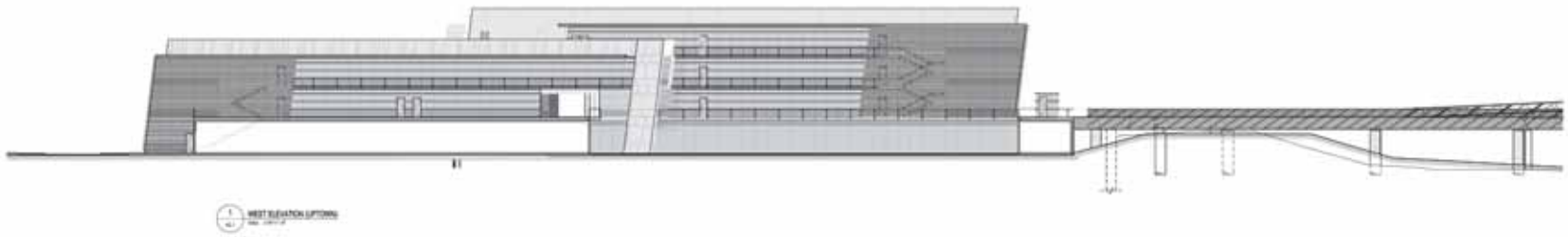

**Figure 9.** Diagram of the proposed levee construction.

Note: Not to Scale.

**Figure 10.** Model of proposed construction relating to the courthouse.

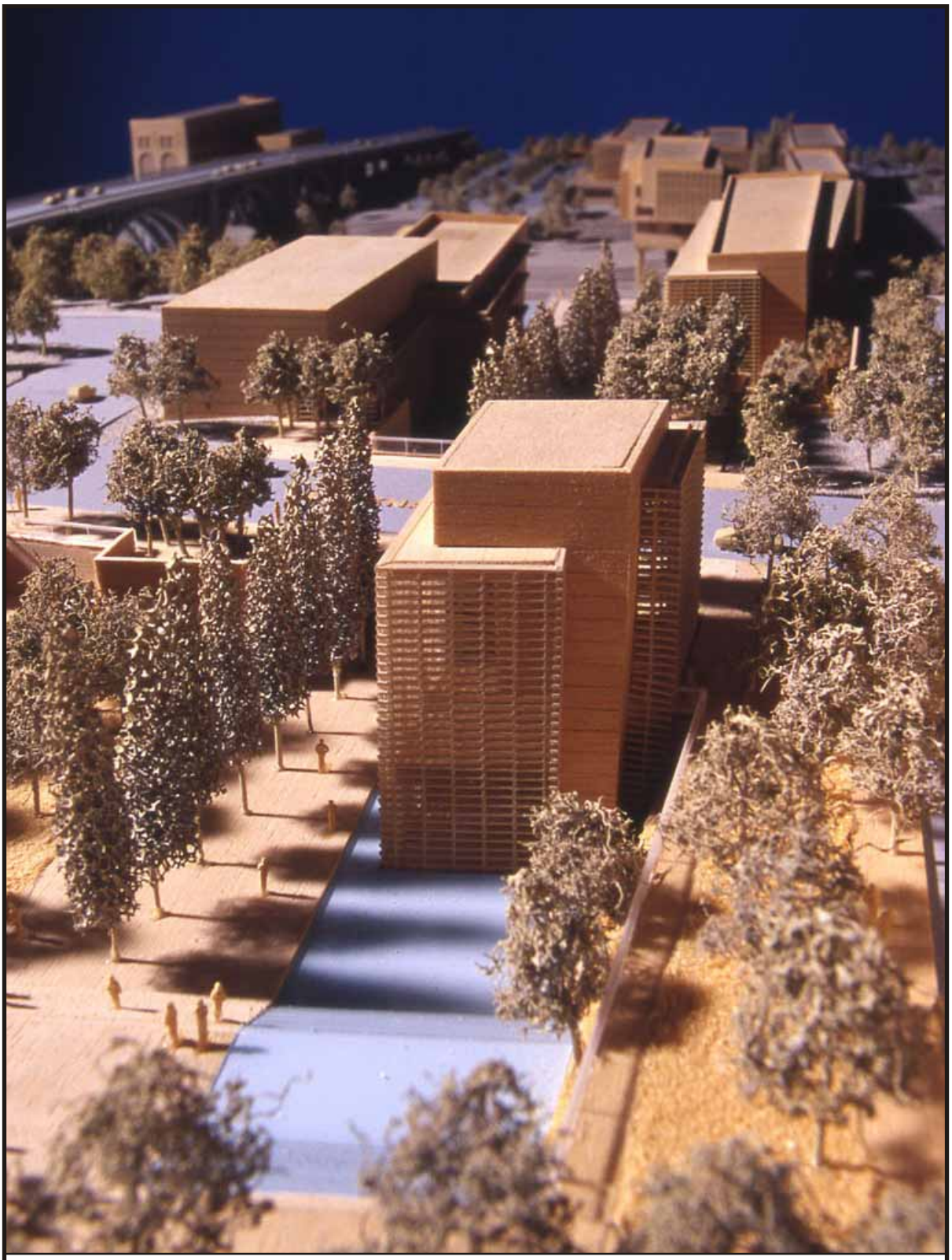

**Figure 11.** Model of the proposed construction relating to the viaduct and TXU in the background.

effect of this undertaking and therefore constitute part of this undertaking. Should the campus renovation not conform to the Secretary of the Interior's Guidelines for Rehabilitation of Historic Properties, further adverse effects could occur to these historic buildings.

When TCCD develops plans for the former TXU power plant, this undertaking will be coordinated with the Texas Historical Commission under Section 106 of the NHPA as a cumulative effect of the modification of the levee. Figure 11 shows a model of the proposed construction relating to the TXU power plant.

**5. The Bluff.** The Bluff is eligible as a Traditional Cultural Property as a landscape district. While the integrity of the location, setting, feeling and association remains intact enough to retain NRHP qualification, these qualities are significantly diminished by the loss of wooded area of the Bluff, a quality that is essential to its listing. The USACE finds an **ADVERSE EFFECT** to this property. Figure 12 shows the bluff before construction and as it currently exists and reference Figure 13 of a model of the proposed construction relating to the bluff.

**6. All other properties on or eligible for the NRHP within the APE**. Numerous historic properties are within the viewshed of the campus and the effects are exclusively visual in nature. These properties are listed in Table 1. Due to the distance of the properties from the undertaking, the visual presence of the new campus does not diminish the visual integrity of the bluff from greater distances or diminish the location, setting, feelings and associations of historic properties more distant than those in its immediate surroundings (1-5). The Army finds that there is **NO ADVERSE EFFECT** to all remaining historic properties within the viewshed other than the levee, the Tarrant County Courthouse, the Main Street Viaduct, the TXU power plant and the Bluff (Figures 14 through 16). Figure 16 shows the view from the northern boundary of the APE on 6th Street.

*Conclusions on Effect Determinations*

In general, the effects of this undertaking are primarily to the visual setting, location, feeling and associations of the Viaduct and the Courthouse. The bluff and the levee have actual integrity loss via material loss of character-defining elements by removing trees, rocks and earth. The USACE finds this loss of integrity and adverse effect on these resources.

Some community support has been expressed for the Campus that some view as a bold architectural statement spanning the river, a statement that has been placed at the very epicenter of Fort Worth historically, where the city was founded and atop the bluff spanning the river from which the city grew. Placing a bold architectural statement in a historic setting is sometimes, but not always, negative. However, it is usually controversial. The Vietnam War Memorial on the Mall in Washington, Frank Lloyd Wright's Guggenheim Museum on the edge of Central Park in Manhattan, the Eiffel Tower, I.M. Pei's addition of a glass pyramid to the Louvre and the Centre George Pompidou in the heart of Paris offer clear examples. Only temporal perspective will show if the Campus will ever approach architecture of the highest merit as these examples illustrate.

Does the placement of the new campus *diminish* setting, location, feeling and associations of the adjacent historic structures of the courthouse and the viaduct? This is a central question in terms of a Section 106 determination of effect. Clearly, the placement of the new downtown campus in

**Figure 12.** Photographs of the bluff: a) before construction, and b) as it currently exists.

**Figure 13.** Model of proposed construction on the bluff.

**Figure 14.** Photographs of the viewshed: a) from north of proposed construction, and b) from TXU parking lot, view southeast.

**Figure 15.** Photographs showing the viewshed: a) from TXU parking lot, view southeast, and b) from the corner of NW 6th Street and North Main Street, view southeast.

**Figure 16.** Photographs showing the viewshed: a) from North Main Street, view south, and b) from a parking lot on North Main Street, view south.

this historic Fort Worth setting does not destroy integrity to these structures, but it is undeniable that it significantly changes the setting, location and viewshed of some of the historic properties within the APE (reference the model photograph on the report cover).

Again, in each example given of great architecture placed in historic settings, the same could be said that the setting, location, feelings and associations were diminished when the work was conceived only later to be seen as enhancing those values once the work was universally recognized as great art.

Without temporal perspective, the reasonable conclusion to be drawn when altering the historic epicenter of a city is that the alteration will initially diminish the setting when it significantly changes the setting, location, feeling and associations. Only time and a broad consensus will change the view of its impact. Based upon the above conclusions, the USACE finds adverse effects as a result of the undertaking to the setting, location, feeling and associations of the adjacent historic properties.

## Consulting Parties

The USACE recognizes the need for consulting parties to be involved with the Section 106 process. The USACE intends to invite the following as consulting parties:

- City of Fort Worth Historic Cultural Landmarks Commission
- Historic Conservation, Inc.
- Historic Fort Worth, Inc.
- Historic Landmarks, Inc.
- National Trust for Historic Preservation
- North Fort Worth Historical Society
- Tarrant County Historical Commission
- Tarrant Regional Water District

The Advisory Council on Historic Preservation will also be invited to participate in the consultation as directed by 36 CFR §800 under a separate letter.

**Plan to Involve the Public**

The general public will be afforded opportunities to participate throughout the Section 106 process. A general public information meeting was held October 9, 2007. Public input provided on the undertaking and its effects were taken into account in the preparation of these findings by the USACE. Public comments received are attached.

To encourage public involvement, the following practices will be undertaken:

- Newspaper notices to announce the meetings and hearings will be developed and placed in local newspapers such as the *Fort Worth Star Telegram* and *La Estrella*.

- Elected officials will be informed of upcoming public hearings and meetings as appropriate.

- Meeting locations, dates, and times will be posted to appropriate websites.

- Notices to comply with legal and federal hearing notice requirements will be published in the Federal Register, the *Fort Worth Star Telegram*, and *La Estrella* as appropriate.

Materials will be prepared and handed out at each meeting to help attendees understand the concepts, plans, historic resources impacts and possible mitigation measures. Background materials may include, but are not limited to:

- Presentation and questions-and-answers session
- Fact Sheet on TCCD Downtown Campus
- Fact sheet on Section 106 process
- Fact sheet on roles of various agencies/organizations
- Fact sheet on timeline, milestones, key decision points
- Fact sheet on sources of additional information (website addresses, agency contacts, document titles, etc.)
- Frequently asked questions
- Exhibits
- Comment opportunities (forms, court reporter, and translator)

At an October 9, 2007, public meeting, input was requested on the effect of the undertaking. The forms received are attached.

## References

Prior, Marsha, Duane Peter and Joseph Murphey (editors)
2005 Below the Bluff: Urban Development at the Confluence of the West Fork and Clear Fork of the Trinity River, 1849-1965 (Historic Context, Inventory, and Assessment of the Central City Segment of the Trinity River Vision Plan, Fort Worth, Texas). U.S. Army Corps of Engineers, Fort Worth District.

Texas State Historical Association (TSHA)
2006 Fort Worth Stockyards. In *The Handbook of Texas Online*. Accessed 23 May 2007, available at http://www.tsha.utexas.edu/handbook/online.html

Texas Historic Sites Atlas (THSA)
2005 Various. Electronic document, http://atlas.thc.state.tx.us. Accessed 22 May through 8 June 2007.

## Preparers

Joseph Scott Murphey, Historic Architect, USACE. Mr. Murphey holds a Master of Architecture Degree from the University of Texas at Arlington, is a registered architect in Texas and Pennsylvania, and has over 20 years of experience in cultural resource management with the Department of Defense.

Lopez Garcia Group. The Lopez Garcia Group is under contract with the TCCD to prepare the environmental assessment for the project and provided support in preparation of the graphics.

October 9, 2007
Public Meeting Comments
Submitted to the USACE

Section 106 Component Questionnaire

**PUBLIC INPUT ON CORPS DETERMINATION OF EFFECT**

An **adverse effect** is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in 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

1. In your opinion, does the TCCD proposed modification of the levee with its effects on historic properties meet the definition of **adverse effect**?

[ ] YES [✓] NO, it's a very positive, enhancing and beautifying effect which will act as a magnet drawing local and tourist support.

2. Should the Army find the effect to be adverse, what steps could be taken to avoid, minimize or mitigate (compensate for the damage) of the effect?

As long as the existing sight line under the current design and model are adhered to, there just is not an adverse effect on the Trinity River confluence of the west and clear forks.

3. Are there any additional consulting parties the Army should invite?

No --- except maybe the Freese Nichols engineering firm in Fort Worth, Texas could provide helpful information

4. Please provide additional comments on your opinion in the space provided or use additional sheets.

This TCCD project for a downtown-uptown campus provides connectivity between the Ft. W. central business district, the medical district, the near north side and the far north side to provide educational and contemporaneous design beautification which will serve to add to the attractiveness and draw more public attention to the north and south sides of the Trinity River bluffs.

**OPTIONAL INFORMATION**

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Do you wish to be notified of developments in the Section 106 process via email? yes

hsparks@sparks-larimore.com

## Murphey, Joseph S SWF

**From:** Elliott Wright [elliottwright@yahoo.com]

**Sent:** Wednesday, October 10, 2007 10:42 PM

**To:** Church, Clayton A SWF

**Cc:** david.wells@tccd.edu; bill.martin@thc.state.tx.us; quana.childs@thc.state.tx.us; sabaker@star-telegram.com; jerre_tracy@historicfortworth.org; elliott.wright@navy.mil

**Subject:** Tarrant County College/Section 106 Review/Advisory Council foreclosure

Mr. Church,

I appreciate the effort that went into last night's public hearing for the Tarrant County College project. I applaud the vision of the college and their beautiful campus plan. The U.S. Army Corps of Engineers and all other participating parties did a wonderful job explaining the project to the public. The only problem is that the public hearing was a moot exercise: you held a public hearing on a project that has already begun.

I arrived late and missed most of meeting. As a result, I had no questions during the Q & A session. Since reviewing the handouts and examining the model, however, I have one really big question: why is construction going on at the site? Tarrant County College is currently in violation of federal law by conducting construction work at a site that has yet to receive a regulatory-mandated Section 106 review.

Although Section 106 will be conducted on the north side of the Trinity River, because of required 404 or 408 permits, project construction is well underway on the south side of the river. What about Section 106 compliance for the entire project? If a permit is required for a "part" of the project, then a Section 106 review should be conducted for the entire project, including the south side of the river. Why did the Corps allow construction to begin without the college complying with environmental regulations?

I am very concerned about this situation. It was on the south side of the Trinity River, on the Bluffs, where construction is currently underway, that the town of Fort Worth was founded in 1849. I believe that makes the site potentially eligible for the National Register of Historic Places under Criterion A, association with a historic event. Unfortunately, a Section 106 review has not been done to even consider this possibility – and there are no plans to do so in the future: this is wrong.

Although an archeological study was conducted on the south side of the river, it was not undertaken under the auspices of Section 106 nor was it conducted under the purview of federal authorities. Public comment did not occur. The subsequent construction therefore places Tarrant County College in violation of federal environmental regulations.

At the hearing you asked us to provide comments on the project. To me, it's no longer a matter of "adverse effect" or "no adverse effect." Writing comments is a fruitless exercise. What difference does it make now what the public thinks? After all, the college is halfway finished excavating a gorge that perpendicularly bisects the historic Bluffs.

Because construction has already begun, I would suggest that foreclosure has occurred, since it effectively precludes the

Advisory Council on Historic Preservation from providing comments which Corps officials can meaningfully consider prior to the approval of the undertaking (as per 36 CFR Part 800.16[j]). I view the college campus, as planned, a done deal. This is disappointing to me because, in essence, it hijacks the whole public hearing process (not to mention any future talks concerning a Memorandum of Agreement) and reduces the event to a waste of everyone's time.

Sincerely yours,

Kip Wright
817-291-2756

# Section 106 Component Questionnaire

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1. In your opinion, does the TCCD proposed modification of the levee with its effects on historic properties meet the definition of **adverse effect**?

[X] YES [ ] NO

2. Should the Army find the effect to be adverse, what steps could be taken to avoid, minimize or mitigate (compensate for the damage) of the effect?

Involve the Texas Historical Commission and local preservation groups, North FW Historical Soc, + Tarrant County Historical Commission
Get TXU powerplant listed on the NR and designated locally.

3. Are there any additional consulting parties the Army should invite?

Streams and Valleys

4. Please provide additional comments on your opinion in the space provided or use additional sheets.

**OPTIONAL INFORMATION**

Name: Susan Kline
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Do you wish to be notified of developments in the Section 106 process via email?

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[ ] YES [X] NO

2. Should the Army find the effect to be adverse, what steps could be taken to avoid, minimize or mitigate (compensate for the damage) of the effect?

USE BEST JUDGEMENT TO ENGINEER A SOLUTION AND PROCEED

3. Are there any additional consulting parties the Army should invite?

NONE THAT I KNOW

4. Please provide additional comments on your opinion in the space provided or use additional sheets.

—

**OPTIONAL INFORMATION**

Name: DAVID MISKO
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Do you wish to be notified of developments in the Section 106 process via email?

YES

# Section 106 Component Questionnaire

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[ ] YES [X] NO

2. Should the Army find the effect to be adverse, what steps could be taken to avoid, minimize or mitigate (compensate for the damage) of the effect?

3. Are there any additional consulting parties the Army should invite?

4. Please provide additional comments on your opinion in the space provided or use additional sheets.

**OPTIONAL INFORMATION**

Name:
Address:
E-mail:

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1. In your opinion, does the TCCD proposed modification of the levee with its effects on historic properties meet the definition of **adverse effect**?

[ ] YES [✓] NO

I see NO adverse effect in the bldg of TCC on the bluff.

2. Should the Army find the effect to be adverse, what steps could be taken to avoid, minimize or mitigate (compensate for the damage) of the effect?

3. Are there any additional consulting parties the Army should invite?

4. Please provide additional comments on your opinion in the space provided or use additional sheets.

It appears all concerned have created a campus that considers all aspects resulting in compliance and a favorable, attractive educational facility. It is an exciting addition to FTW.

**OPTIONAL INFORMATION**

Name: GAIL GARRATT
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Do you wish to be notified of developments in the Section 106 process via email?

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3. Are there any additional consulting parties the Army should invite?

4. Please provide additional comments on your opinion in the space provided or use additional sheets.

**OPTIONAL INFORMATION**

Name: John J. Hernandez
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Do you wish to be notified of developments in the Section 106 process via email?

YES

# Section 106 Component Questionnaire

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1. In your opinion, will the TCCD proposed modification of the historic levee be an **adverse effect**?

**[XX]** YES [ ] NO

2. In your opinion, will the construction of the campus as a whole be an **adverse effect** on historic properties within its view?

[**XX**) YES [ ] NO

3. Should the Army find the effect to be adverse, what steps could be taken to avoid, minimize or mitigate (compensate for the damage) of the effect?

- **Avoid:** At this point in the TCC project it is impossible to avoid the adverse effects to historic resources that are a consequence of the project. Certainly, the historic landscape is permanently altered, and that landscape created the setting for the historic buildings and structures in the area, including the Tarrant County Courthouse, the Paddock viaduct, the TXU power plant with its recently demolished smokestacks, the nationally-recognized, Lawrence Halprin-designed Heritage Park, views from Samuels Avenue, etc.

  At the public meeting we learned that a cyanide plant was once located at the construction site. This must be a major environmental issue and we do not have enough information to know if it can be avoided. We heard the consultants for TCC acknowledge that they know about the cyanide plant; but that was all that was said. We hope there is a way to avoid disturbing the remains of the cyanide plant.

- **Minimize:** Perhaps the issues that can't be avoided can be minimized. We do not have enough information to know.

- **Mitigate:** The following list is in priority order:

  1. **Submit** the National Register nomination to the National Park Service for the TXU plant that is being written as part of the MoA for the Central City Project. **Write** and **submit** a nomination to the City of Fort Worth's Historic & Cultural Landmarks Commission for Historic & Cultural designation for the TXU plant.

  2. **Fund** the restoration/rehabilitation of Heritage Park.

4. Are there any additional consulting parties the Army should invite? Historic Fort Worth, Inc., the Southwest Office of the National Trust for Historic Preservation, the Tarrant County Historical Commission, the North Fort Worth Historical Society, and the City of Fort Worth's Historic & Cultural Landmarks Commission.

5. Please provide additional comments on your opinion in the space provided or use additional sheets.

It seems reasonable to expect that there are numerous artifacts in the area of the TCC project. It is extremely important to conduct a thorough archeological study of the TCC site and to do everything possible to remove, catalogue and make any artifacts available to the public.

Additionally, we have recently reviewed the National Park Service website concerning Traditional Cultural Properties and believe that the site of the TCC project is reflective of the earliest settlers in the city due to its proximity to the fort that named Fort Worth. Therefore, the site needs to be re-evaluated as a Traditional Cultural Property.

**OPTIONAL INFORMATION**

Name: Lisa Lowry, Chairman, Historic Fort Worth, Inc.
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[X ] YES [ ] NO

3. Should the Army find the effect to be adverse, what steps could be taken to avoid, minimize or mitigate (compensate for the damage) of the effect?

The historic Courthouse and bridge will be cramped and design-incompatible with the TCCD connecting bridge. Visually, both the historic and the new will have value lost. Better and safer pedestrian walkways in the Courthouse and TCCD areas could be redesigned, using existing bridge, sidewalks etc. Parking on both campuses needs to be addressed with traffic flow to each. The present excavations and work down by TCCD can be left with view of the river but discontinue plans to for the connecting bridge.

4. Are there any additional consulting parties the Army should invite? The State of Texas Historical Commission

5. Please provide additional comments on your opinion in the space provided or use additional sheets.
(Will be out of state on October 9th so appreciate this opinion opportunity.)

**OPTIONAL INFORMATION**

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Do you wish to be notified of developments in the Section 106 process via email?  Yss
Thank you.