

**PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT,  
THE CITY OF DALLAS, AND  
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,  
REGARDING  
THE DALLAS FLOODWAY EXTENSION PROJECT  
(AGREEMENT)**

**WHEREAS**, the Dallas Floodway Extension Project (DFE) was initially authorized by Section 301 of the River and Harbor Act of 1965 (Public Law 89-298) for the purpose of reducing flood risk for the City of Dallas downstream of the Dallas Floodway; and

**WHEREAS**, the DFE was modified by Section 351 of the Water Resources Development Act of 1996 (Public Law 104-303) to include the existing Rochester and Central Wastewater Treatment Plant Levees and the proposed Lamar and Cadillac Heights Levees in the federal project to reduce flood risk; and

**WHEREAS**, the DFE was further modified to add ecosystem restoration and recreation as project purposes by Section 356 of the Water Resources Development Act of 1999 (Public Law 106-53). Thus, the construction of the DFE (hereinafter "Undertaking"), consists of a series of smaller undertakings constructed in phases to include the Upper Chain of Wetlands, Lower Chain of Wetlands, Maintenance Paths, Lamar Levee and associated drainage features, Cadillac Heights Levee and associated drainage features, Trinity River Realignment, Recreation Features and Environmental Mitigation; and

**WHEREAS**, previous compliance with the National Historic Preservation Act of 1966 (NHPA) as amended for the planned construction of the DFE resulted in an agreement entitled *A Programmatic Agreement Between the U.S. Army Corps of Engineers, Fort Worth District, the Advisory Council on Historic Preservation and the Texas Historic Preservation Officer Regarding the Dallas Floodway Extension* that was executed on October 8, 1998 (1998 PA). The Lower Chain of Wetlands, Trinity River Realignment, Upper Chain of Wetlands, Maintenance Paths and portions of the Environmental Mitigation were constructed under the 1998 PA; a map of which is provided in Figure 2 of Appendix A and a summary of the eligibility determinations resulting from Section 106 compliance of these elements is provided in Appendix B; and

**WHEREAS**, a programmatic agreement is necessary for Section 106 compliance prior to the committal of funding for construction design, and subsequent project delays and expansion of the original project scope necessitate reexamination of the DFE's potential effects and replacement of the 1998 PA with a new agreement to address current project conditions; and

**WHEREAS**, the Lamar Levee, Cadillac Heights Levee, remaining Recreation Features, and Environmental Mitigation are the construction elements of the DFE that shall be subject to the stipulations below; and

**WHEREAS**, the USACE and Texas State Preservation Officer (SHPO) concur that sites 41DL69, 41DL70, 41DL84, 41DL104, 41DL220, 41DL223, 41DL317, 41DL318, 41DL319, 41DL337, 41DL338, 41DL355, 41DL356, and 41DL357 are ineligible for the NRHP and shall not require additional testing; and

**WHEREAS**, Section 405(a) of the 2010 Supplemental Disaster Relief and Summer Jobs Act (Public Law [PL] 111-212) states that the Secretary of the Army shall not be required to make NHPA determinations regarding the Dallas Floodway; and

**WHEREAS**, the Lamar Levee shall tie-in to the Dallas Floodway and any portion of the Lamar Levee located within the Dallas Floodway shall not be subject to Section 106 determinations, as per implementing guidance issued October 19, 2010, within the area depicted in Figure 3 of Appendix A. Cultural resources within the Dallas Floodway Extension area of potential effect (APE) that overlaps the Dallas Floodway shall be evaluated under NEPA; and

**WHEREAS**, the Undertaking's overall APE subject to Section 106 of the NHPA begins downstream of the deconstructed Atchison, Topeka and Santa Fe trestle ending adjacent to the intersection of IH-20 and Dowdy Ferry Road, as shown the figures provided in Appendix A; and

**WHEREAS**, the USACE and SHPO have determined that the Undertaking has potential to cause adverse effects to historic properties within the APE; and

**WHEREAS**, the USACE has consulted with the SHPO on this PA pursuant to 36 CFR 800.14 and the SHPO has elected to sign this PA as a Signatory; and

**WHEREAS**, the Advisory Council on Historic Preservation (ACHP) has been notified and has chosen not to participate in this Agreement; and

**WHEREAS**, the City of Dallas, the Non-Federal Sponsor (NFS) for the Undertaking, under a Project Cooperation Agreement Between USACE and the City of Dallas as amended August 22<sup>nd</sup> 2019 is providing necessary lands, easements, relocations, and rights-of-way for the project, and is responsible for ongoing and future operation and maintenance of the DFE Project and is therefore a Signatory to the Agreement; and

**WHEREAS**, the USACE pursuant to Section 101 (d)(6)(B) of NHPA invited the Caddo Nation of Oklahoma, Choctaw Nation of Oklahoma, Tonkawa Tribe of Indians of Oklahoma, Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie) of Oklahoma, Alabama-Coushatta Tribe of Texas, Kiowa Indian Tribe of Oklahoma, and the Comanche Nation, Oklahoma to consult on the undertaking and to participate in this PA as concurring parties via letters submitted in August 2019 and subsequent email correspondence dated January 22, 2021 and none of the tribes have elected to participate in the PA; and

**WHEREAS**, public involvement in accordance with 36 CFR 800. 13 (c) has been provided by National Environmental Policy Act (NEPA) Public Scoping Meetings and published public notices, which are documented in the *General Reevaluation Report and Integrated Environmental Impact Statement* and Record of Decision dated December 1, 1999, as well as the April 2003 *Supplement Number 1 to the Environmental Impact Statement for the Dallas Floodway Extension*. A draft of this PA was available on the district's website for review and comment from February 9, 2022, to March 11, 2022. Additional public involvement shall include public notices and invitation to comment on any mitigation proposals regarding adverse effects to historic properties; and

**NOW THEREFORE**, the USACE, the SHPO and the City of Dallas agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect of the Undertakings on historic properties.

## **Stipulations**

### **I. Identification, Evaluation, Effect Determination, and Resolution of Effects to Historic Properties**

The NFS shall ensure that the following measures are carried out:

- A. The NFS shall adhere to the Antiquities Code of Texas as applicable.

USACE shall ensure that the following measures are carried out:

- A. **Scope of Undertaking.** This PA shall be applicable to all excavation, modification of existing flood risk management infrastructure, construction of temporary access routes and/or staging areas, and any other ground disturbing activities proposed by the Dallas Floodway Extension. USACE, in consultation with the SHPO, shall further refine the APE of each phase, depicted in Figure 3 of Appendix A, to encompass both direct and indirect effects on cultural resources.
- B. **Qualifications and Standards.** The USACE shall ensure that all work conducted in conjunction with this PA is performed in a manner consistent with the Secretary of Interior's "Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716-44740; September 23, 1983), as amended, or the Secretary of the Interior's "Standards for the Treatment of Historic Properties" (36 CFR 68). Survey methodology and reporting shall adhere to the standards and guidelines established by the Council of Texas Archeologists (CTA).
- C. **Definitions.** The definitions set forth in 36 CFR § 800.16 are incorporated herein by reference and apply throughout this PA.
- D. **Identification of Historic Properties and Evaluation of National Register Eligibility.** The indirect APE has been initially defined by a viewshed analysis performed via ArcGIS, the results of which are provided in Figures 4 and 5 of Appendix A. Additionally, an overarching APE for archaeological resources is provided in Appendix A. The APE shall be further refined in consultation with the SHPO after thirty percent (30%) construction designs are provided to the cultural resources personnel. The final agreed upon direct and indirect APEs shall be used to determine the inventory and eligibility of historic-age resources by Secretary of the Interior qualified personnel in accordance with Stipulation E. If cultural resources are identified within the APE, the USACE shall determine their eligibility for the NRHP in accordance with the process described in 36 CFR § 800.4(c) and criteria established in 36 CFR § 60 and National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation" (NPS 1990). The USACE shall submit adequate documentation of these determinations to SHPO for thirty (30) day review and consultation.
- E. **Specific Investigative Requirements for the Identification of Historic Properties.**
  - 1. **Investigative Requirements for Archaeological Resources.**

- i. The USACE shall ensure development of research designs for Phase I and Phase II surveys for identifying and evaluating archaeological resources in accordance with the CTA's Guidelines for Cultural Resources Management Reports. SHPO and consulting parties shall have a thirty (30) day review and comment period for each research design.

## 2. Investigative Requirements for Above Ground Resources.

- i. Preparation of an Historic Context. The USACE shall ensure development of an historic context to be used as a foundational document for an architectural inventory and evaluation by USACE. The historic context shall be a concise document that overviews pertinent environmental, economic, cultural, technological, settlement, and governmental factors that may have influenced historical development within the APE, including events less than fifty years of age if applicable.
  1. For the Cadillac Heights Levee Element, the historic context shall be entitled "Urban Development of the Trinity River Basin Cadillac Heights Area: 1900-2010". This context shall specifically address Cadillac Heights in terms of social and economic justice issues pertaining to the neighborhood in relation to flood control measures and the context of community planning and development, which occurred as the result of the design decisions in the early twentieth century (1905-1928) to terminate the Dallas Floodway and leave communities on the Trinity below downtown unprotected. The potential of Criterion Consideration G shall be discussed regarding (1) the proposal to construct a levee authorized in 1965 and the resulting controversies surrounding its planning, design, and construction and (2) controversies surrounding the lead smelter operating from 1936-1990 within Cadillac Heights, which intensified circa 2010.
  2. For the Lamar Levee element, the historic context shall be titled "Urban Development of the Trinity River Basin South Dallas Lamar Area: 1900-1970". The temporal parameters encompass the design/construction of the Dallas Floodway up to fifty years from the date of this agreement.
- ii. Survey Methodology.
  1. Directly impacted properties shall receive an intensive level survey and completion of the THC Intensive Survey Form.
  2. Identification efforts for indirectly impacted properties shall first consist of a review of the refined ArcGIS APE, followed by a windshield level survey to identify basic property types. A representative sample of property types, determined in concurrence with the THC, shall then receive a reconnaissance level architectural survey, which includes

completion of THC Historic Resources Survey Forms in the Microsoft word format.

3. All survey forms shall be completed in accordance with the THC Historic Resources Survey Manual.
4. Survey results shall be submitted to SHPO for review. If comments are not received by the USACE within thirty (30) days of receipt, the reports and their recommendations shall be considered adequate, and the reports may be finalized. Comments received by the USACE from the SHPO shall be addressed in the final reports, which shall be provided to all consulting parties.

F. Assessment of Effects. The USACE shall evaluate the effect of the undertaking on each identified historic property in the APE, if present, in accordance with 36 CFR § 800.5(a)(1).

G. Resolution of Adverse Effect. If the USACE determines that the undertaking shall have an adverse effect on historic properties as measured by criteria in 36 CFR § 800.5(a)(1), the USACE shall notify the SHPO and consulting parties identifying the historic properties affected and the corresponding mitigation measure as stipulated below. SHPO and consulting parties shall have thirty (30) days to comment and propose any alternative mitigation measures. If no response is received, the USACE shall ensure the following stipulations are met:

1. For archaeological historic properties that the USACE and the SHPO concur to be adversely affected, the USACE shall:

- a. Conduct Phase III data recovery for all historic properties that shall be completely destroyed by the undertaking.
- b. For historic properties that are related to themes identified in the research design, data recovery sufficient for the creation of educational materials and complete site descriptions shall be conducted. The USACE may develop educational curricula or displays for use in schools, museums, or other public venues as appropriate.
- c. If USACE is unable to determine the NRHP eligibility of an entire archaeological site that extends outside of the APE, mitigation shall include monitoring of construction within the vicinity and known boundaries of the site.
- d. A report containing the results of all data recovery operations, including monitoring, shall be provided within three (3) years of the conclusion of field work.

2. The USACE shall ensure the following for above-ground historic properties that the USACE and the SHPO concur to be adversely affected:

(1) Direct Adverse Effects (demolition). For historic resources directly impacted by the construction of the levee and require demolition, USACE shall document the property to the standards of Level II of the Historic American Building Survey/ Historic American Building Survey. USACE shall coordinate the photographic recordation of the resource with SHPO before initiation of demolition activities. The written narrative with the approved photographs shall be submitted to SHPO for a 30-day review and revised until USACE and SHPO concur on the adequacy of the documentation. Archival copies shall be provided to the City of Dallas and the SHPO. Electronic copies shall be made available to all Signatories and the general public via the USACE website.

(2) Indirect Adverse Effects.

- a) Within 24 months of the determination, USACE shall expand the historical context developed for identification to include an expanded architectural and social history of the affected area/community seeking input through further public outreach. A minimum of 10 oral histories of residents shall be included. Hardbound copies shall be made available to all stakeholders and signatories, property holders and placed in area libraries and university libraries statewide. Electronic copies shall also be made available.
- b) USACE and SHPO shall consult to determine select properties to be considered for nomination to the National Register of Historic Places with consent of the property owner. Nomination packages prepared by USACE shall be completed within 24 months of the selection.

- H. The plan to involve the public shall consist of making all identification and evaluation materials available on the USACE and City of Dallas websites for the duration of the Undertaking. USACE shall educate the community about the survey initiative and provide methods for community feedback regarding identification of historic resources and the effect of levee construction on the resources primarily through the USACE project website with notices sent to stakeholders and the public. Documents shall have a 30-day review period with solicitation of feedback and USACE shall take into account all comments prior to making its determinations.
- I. The City of Dallas shall seek methods to avoid or mitigate any adverse effects of any City designed, constructed or sponsored physical infrastructure related to or necessitated by this undertaking by submitting the designs to the Texas SHPO for a 30-day review and comment period. Should the City of Dallas and SHPO be unable to resolve adverse effects, the dispute resolution clause of this agreement shall apply.

## **II. Unanticipated Discoveries and Post Review Changes**

- A. Changes in the Undertaking. If construction on the undertaking has not commenced and the USACE determines that it shall not conduct the undertaking as originally

coordinated, the USACE shall reopen consultation pursuant to Stipulation I. A-H of this PA.

B. Unanticipated Discoveries or Effects. Pursuant to 36 CFR § 800.13(b)(3), if historic properties are discovered or unanticipated effects on historic properties are found after construction on an undertaking has commenced, the USACE shall ensure the following steps are taken:

1. The Contractor shall immediately notify the USACE of an unanticipated discovery.
2. The Lead Environmental Inspector shall immediately direct a *Stop Work* order within a thirty (30) meter radius of the discovery to the Contractor's Site Foreman to flag or fence off the archaeological discovery location and direct the Contractor to take measures to ensure site security. The Contractor shall not restart work in the thirty (30) meter radius area of the find until USACE, in consultation and concurrence with the Signatories and Invited Signatories of this PA, has granted clearance.
3. The USACE shall indicate the location and date of the discovery on the project plans and shall provide the information to the USACE archaeologist.
4. Within twenty-four (24) hours of receipt of notification of the discovery, the USACE archaeologist shall:
  - a) Inspect the work site and determine the extent of the affected archaeological resource and ensure that construction activities have halted;
  - b) Ensure the area of the discovery is marked by means of flagging or fencing within the thirty (30) meter radius to protect the area from looting and vandalism; and
  - c) Notify the SHPO and appropriate Tribes by phone and e-mail.
5. The USACE archaeologist shall conduct a preliminary assessment of the find to determine if the find is historic or less than fifty (50) years of age and whether the cultural material represents an archaeological site of unknown or potential significance.
  - a) If the find is determined to not be a potentially significant archaeological site or is less than fifty (50) years of age, the USACE archaeologist shall notify all parties of the PA of the find and its significance within one (1) week. Signatories and Invited Signatories shall have fifteen (15) calendar days from the date of notification to respond. In the event that a Signatory or Invited Signatory fails to respond within the fifteen (15) calendar days, the USACE may assume that party's concurrence with the determination. If all parties concur that the find is ineligible for the NRHP, the USACE shall notify the Contractor's Work Foreman to resume work.
  - b) If the USACE archaeologist determines the find represents an archaeological

site of unknown or potential significance, the USACE shall notify all signatories to the PA within twenty-four hours (24) hours. Work shall not resume at this location until USACE has provided authorization. The USACE archaeologist shall begin a more detailed assessment of the find's significance and the potential project effects in a manner consistent with National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation" (NPS 1990). The USACE archaeologist shall dispatch an archaeological team to the site to determine the nature and extent of the archaeological deposits. USACE shall ensure that the team has full access to the required site area and be accommodated by the Contractor to complete this investigation within fifteen (15) calendar days. The USACE and SHPO may extend this fifteen (15) day calendar period one time, with the party requesting extension providing written notice to the other parties prior to the expiration date of the said fifteen (15) day calendar period.

- (1) The USACE archaeologist shall notify all signatories of the PA of the archaeological team's findings and recommendations. If the archaeological deposits are determined to be eligible for listing in the NRHP and is threatened by further project development, the USACE shall develop and execute a mitigation plan in accordance with Stipulation I.G.(a).
6. Teleconferences may be held with parties of the PA to discuss options and recommendations.
7. Upon request, signatories of the PA and their representatives shall be allowed to visit the site with the USACE archaeologist.
8. A meeting, site visit, or teleconference may be held with parties of the PA to assess mitigation activities.
9. If the Signatories and Invited Signatories of the PA cannot reach agreement regarding the NRHP eligibility of a site or the resolution of adverse effects, the USACE shall seek and take into account the recommendations of the Secretary of the Interior or the ACHP in accordance with Stipulation IV.B.

C. Unanticipated Discoveries of Human Remains and/or Funerary Objects. The USACE shall treat any human remains and/or funerary objects encountered during the undertaking in a manner guided by the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007), in conjunction with the Texas Health and Safety Code Chapter 711. In the event that human remains and/or funerary objects are discovered during historic properties investigations or during construction, the USACE shall implement the following steps:

1. The Contractor shall immediately notify the USACE of an unanticipated discovery of potential human remains and/or funerary objects.
2. The USACE shall immediately direct a *Stop Work* order within a thirty (30) meter radius of the discovery to the Contractor's Site Foreman to flag or fence off the discovery location and direct the Contractor to take measures to ensure site



security. The Contractor shall not restart work within a minimum of the thirty (30) meter radius area of the find until USACE, in consultation and concurrence with the Signatories and Invited Signatories of the PA, has granted clearance.

3. The USACE shall indicate the location and date of the discovery on the Project plans by a notation of "sensitive avoidance area" and notify the USACE archaeologist.
4. The USACE archaeologist shall immediately notify local law enforcement and the office of the Chief Medical Examiner of the human remains and/or funerary objects. They shall be allowed access to the location of the discovery to conduct their investigation.
5. Within twenty-four (24) hours of receipt of notification of the discovery, the USACE archaeologist shall:
  - a) Inspect the work site and determine the extent of the affected human remains and/or funerary objects and ensure that construction activities have halted;
  - b) Ensure the area of the discovery is marked by means of flagging or fencing within the thirty (30) meter radius to protect the area from looting and vandalism.
  - c) Notify all signatories to the PA of the discovery.
6. At all times human remains and/or funerary objects must be treated with the utmost dignity and respect. Human remains and/or associated artifacts shall be left in place and not disturbed until appropriate consultation has taken place and a site-specific plan of action has been developed. If the human remains are likely Native American, the USACE archaeologist, in consultation with Signatories and Invited Signatories of the PA, shall comprehensively evaluate the potential to avoid and/or minimize the undertaking's effects to the human remains and/or funerary objects. If no feasible avoidance plan can be developed to allow the human remains and/or funerary objects to stay in place, USACE shall consult with interested Tribes and SHPO to engage in the development of a site-specific disinterment/re-interment plan
7. If it is declared a criminal matter, the USACE archaeologist shall have no further involvement and the decision to declare it a *Cleared Site* for construction shall be made by the appropriate legal authorities.
8. If it is determined that the human remains and/or funerary objects are not Native American, USACE shall consult with the SHPO, any identified descendants and/or other interested parties regarding appropriate treatment measures, including, but not limited to, avoidance, disinterment and re-interment plans.

### **III. Curation and Disposition of Recovered Materials, Records, and Reports**

- A. Curation. The USACE shall ensure that all collected archeological materials and associated records owned by the State of Texas or NFS, which result from identification, evaluation, and treatment efforts conducted under this PA, are accessioned into a curation facility in accordance with the standards of 36 CFR 79, the Antiquities Code of Texas (Texas Natural Resource Code, Chapter 191), the Texas Administrative Code 13 TAC §29.5, and the CTA's Guidelines and Standards for Curation, except as specified in Stipulation II.C. for human remains. Archeological items and materials from privately owned lands shall be returned to their owners upon completion of analyses required for Section 106 compliance under this PA.
- B. Reports. Survey reports shall meet CTA standards. Draft survey reports shall be coordinated with signatories of the PA. Within 30 days of receiving the approved final, the USACE shall provide copies of final technical reports of investigations, monitoring and mitigation to all signatories of the PA, as well as additional copies for public distribution, with locations of archaeological sites redacted, as appropriate. All consulting parties shall withhold site location information or other data that may be of a confidential or sensitive nature pursuant to 36 CFR § 800.11(c).

#### **IV. PA Amendments, Disputes and Termination**

- A. Amendments. Any party to the PA may propose to the other parties that it be amended, whereupon the parties shall consult in accordance with 36 CFR § 800.6(c)(7) to consider such an amendment. The amendment shall be effective on the date a signed copy executed by the Signatories and Invited Signatories is filed with the ACHP.
- B. Disputes. Disputes regarding the completion of the terms of this PA shall be resolved in writing by the Signatories and Invited Signatories. If the Signatories and Invited Signatories cannot agree regarding a dispute, they may request the participation of the ACHP in resolving the dispute in accordance with the procedures outlined in 36 CFR § 800.9. Within fifteen (15) calendar days of such a request, the USACE shall forward to the ACHP, and all Signatories and Invited Signatories all documentation relevant to the dispute, including the USACE's proposed resolution of the dispute. The USACE shall take any recommendations or comments from the ACHP into account in resolving the dispute. In the event that the ACHP fails to respond to the request within thirty (30) calendar days of receiving all documentation, the USACE may assume the ACHP's concurrence with its proposed resolution and proceed with resolving the dispute.
- C. Termination of PA. Signatories and Invited Signatories to this PA may terminate it by providing a sixty (60) calendar day notice to the other parties, provided that the parties shall consult during the period prior to the termination to seek agreement on amendments or other actions that shall avoid termination. In the event of termination of this PA the USACE shall comply with the provisions of 36 CFR § 800, Subpart B.

#### **V. Term and Status of this PA**

- A. This Programmatic Agreement shall remain in force for a period of fifteen (15) years from the date of its execution by all Signatories or such time as the USACE completes

all excavation and construction activities and all the DFE project objectives are operational, which include maintenance and stabilization actions, unless terminated pursuant to Stipulation IV.C. Sixty (60) calendar days prior to the conclusion of the fifteen (15) year period, the USACE shall notify all parties in writing of the end of the fifteen year period to determine if they have any objections to extending the term of this PA. If there are no objections received prior to expiration, the PA shall continue to remain in force for a new fifteen (15) year period.

- B. The USACE shall notify all parties by email PA each calendar year for the purposes of updating all parties on the current status of the PA.
- C. Execution of this PA and implementation of its terms evidences that the USACE has taken into account the effects of the Undertaking and fulfilled Section 106 responsibilities regarding the undertaking.

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THE CITY OF DALLAS,  
THE TEXAS STATE HISTORIC PRESERVATION OFFICER, AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
REGARDING  
THE DALLAS FLOODWAY EXTENSION PROJECT**

**Execution and Implementation** of this agreement of its terms, provides confirmation that the USACE has afforded all parties an opportunity to comment on the Dallas Floodway Extension Project and its effects on historic properties, and that the USACE has taken into account the effects of the Dallas Floodway Extension Project on historic properties.

**Signatories** include the USACE, SHPO, and the City of Dallas as an Invited Signatory. Separate signature pages for each agency follow.

**Signatory**

**U.S. Army Corps of Engineers**

Date: \_\_\_\_\_

JONATHAN S. STOVER, P.E., PMP

Colonel, EN

Commanding

U.S. Army Corps of Engineers, Fort Worth District

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**Invited Signatory**

**City of Dallas**

\_\_\_\_\_  
Date: \_\_\_\_\_

T.C. Broadnax  
City Manager  
Dallas, Texas

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**Signatory**

**Texas Historical Commission**

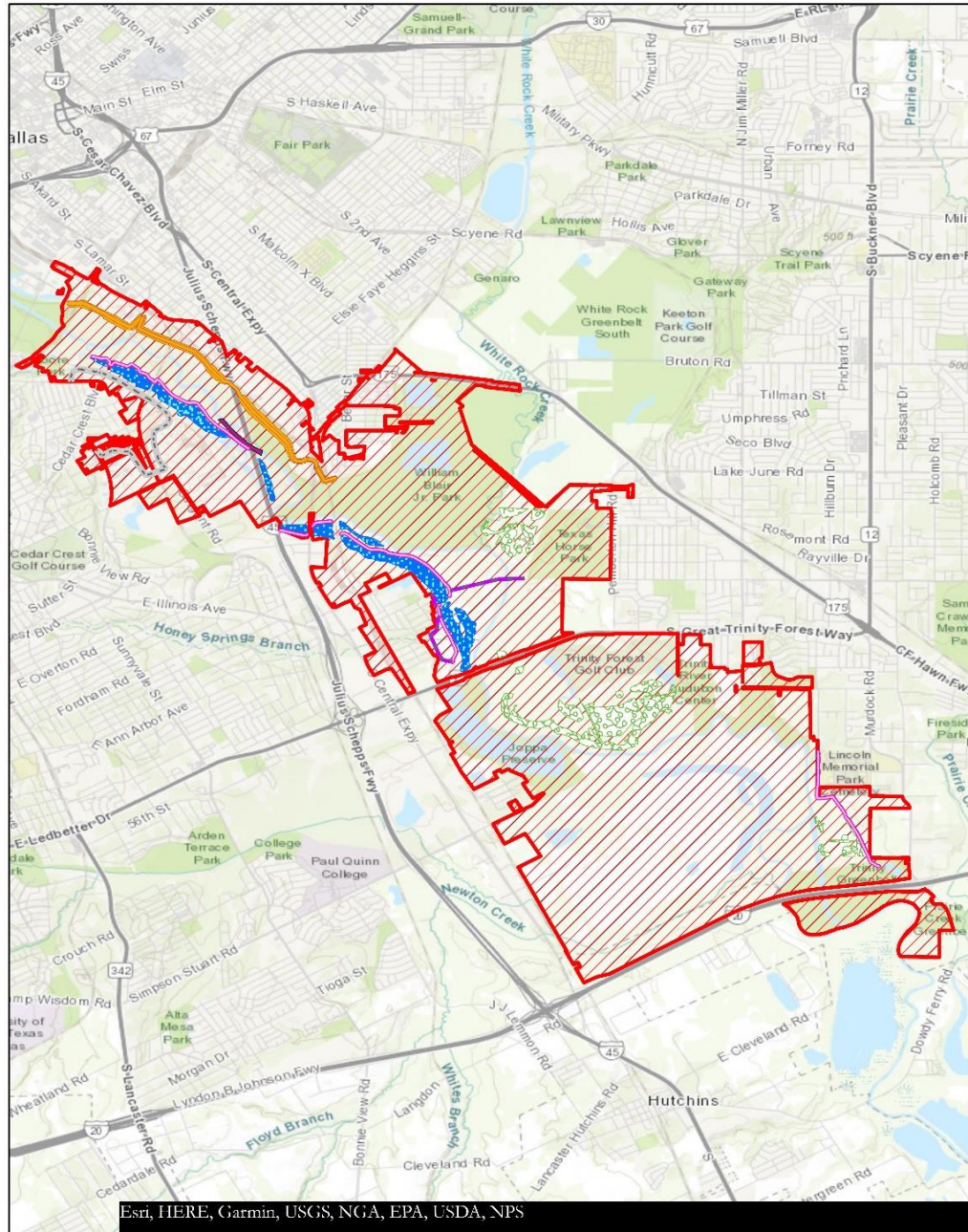
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Mark S. Wolfe

Texas State Historic Preservation Officer

**APPENDIX A**

**to the  
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- Legend
- Phase II Rec Trails
  - Cadillac Heights Levee
  - Lamar Levee
  - DFE Maintenance Paths
  - IH-45 Realignment
  - Chain of Wetlands
  - Environmental Mitigation Sites
  - Project Area

0 0.63 1.25 2.5 Miles

Not depicted: Remaining Recreational Features and Environmental Mitigation. Additional maps depicting these elements shall be provided should these elements be approved for design.

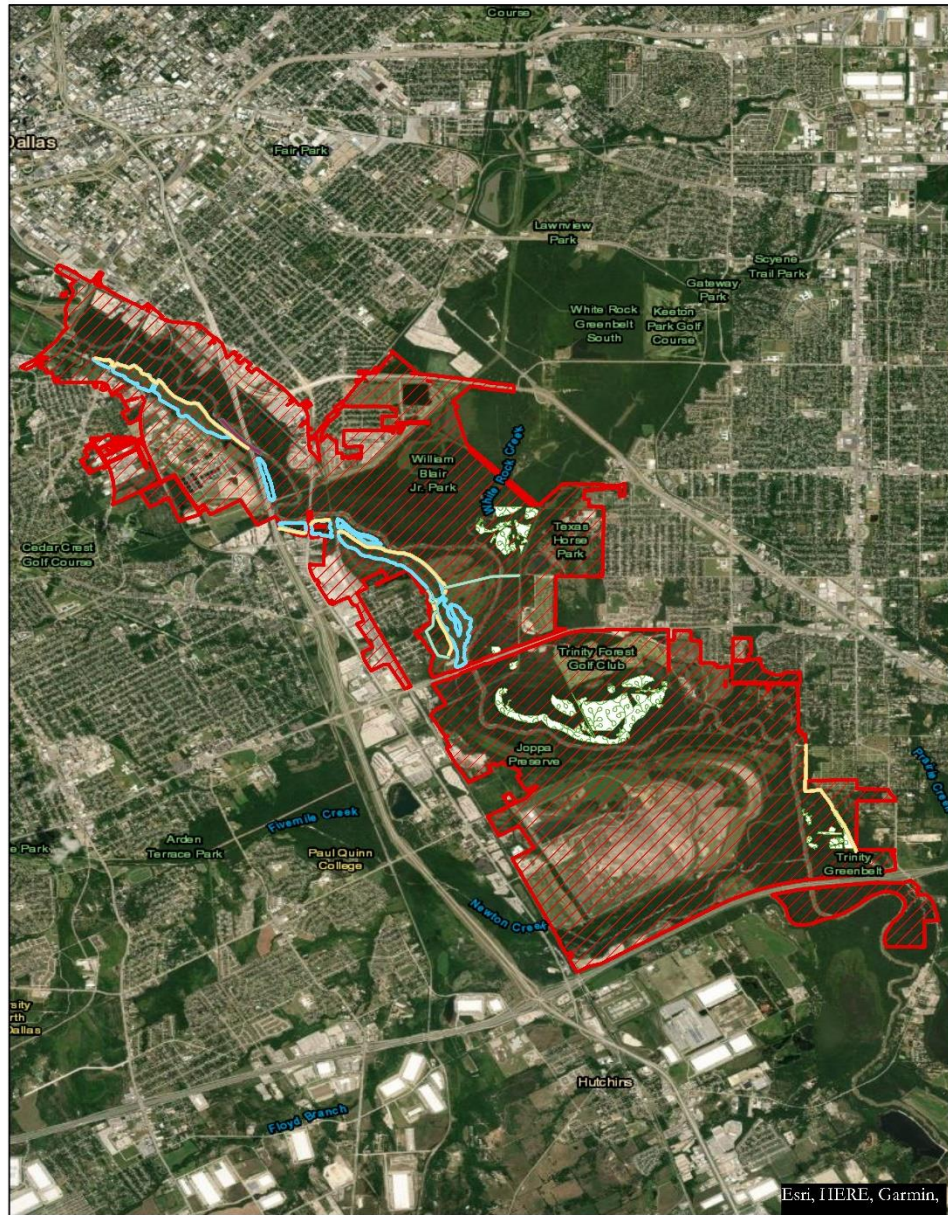


2021

Figure 1 Map of the Dallas Floodway Extension Project Area. The indirect APEs for the project are provided in Figures 4 & 5. The direct APE will be provided to consultation partners once construction designs are available.



## Constructed Elements of the Dallas Floodway Extension



- Legend
- Phase II Rec Trails
  - DFE Maintenance Paths
  - Project Area
  - IH-45 Realignment
  - Chain of Wetlands
  - Environmental Mitigation Sites

0 0.5 1 2 Miles

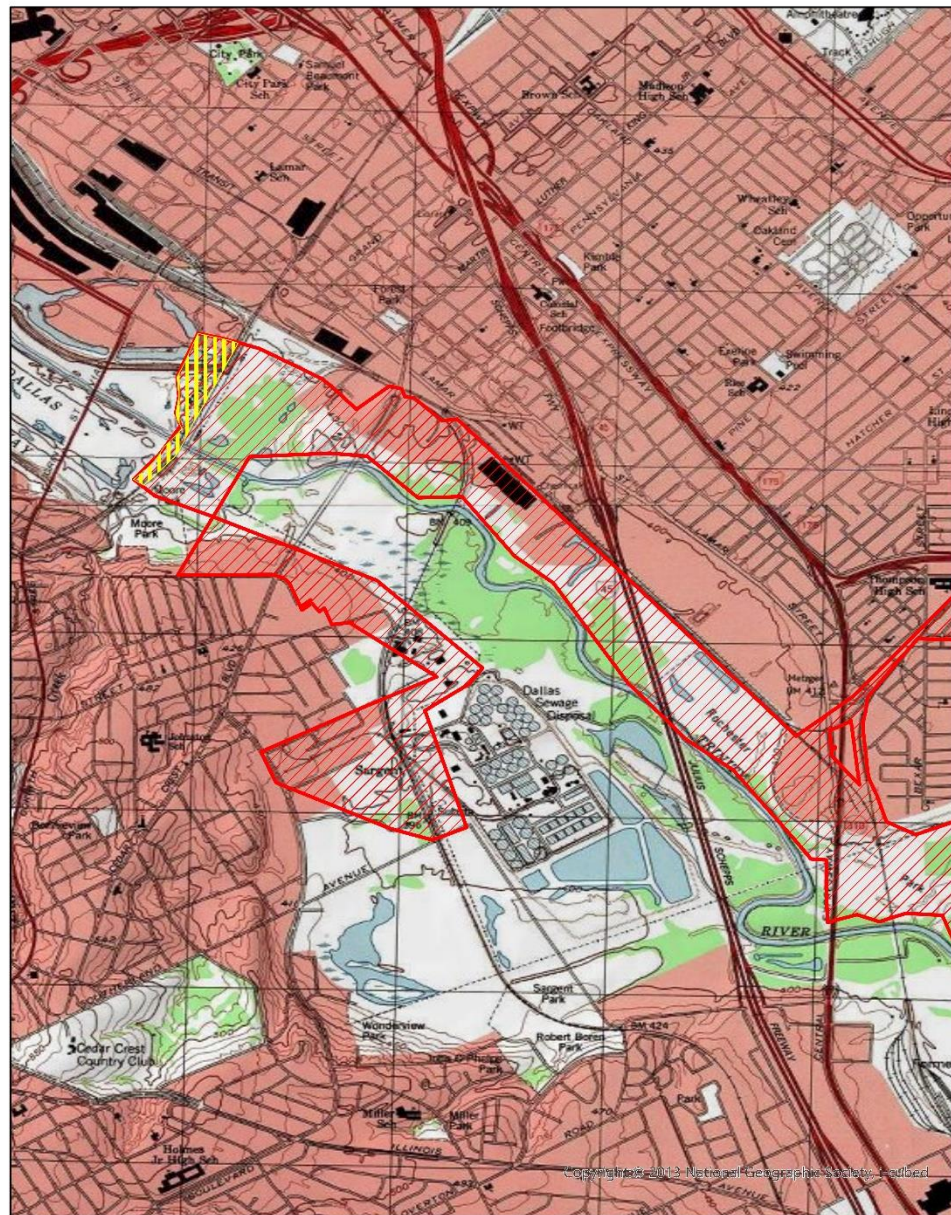


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*Figure 2 The Lower Chain of Wetlands and the Trinity River Realignment were constructed between 2005 and 2009, the Upper Chain of Wetlands was constructed between 2014 and 2018, the Maintenance Paths were constructed between 2015 and 2017, and portions of the Environmental Mitigation have been Constructed.*



## Unconstructed Elements of the DFE



- Cadillac Heights Levee
- Lamar Levee
- Dallas Floodway - No Section 106
- Project Area

0 0.25 0.5 1 Miles

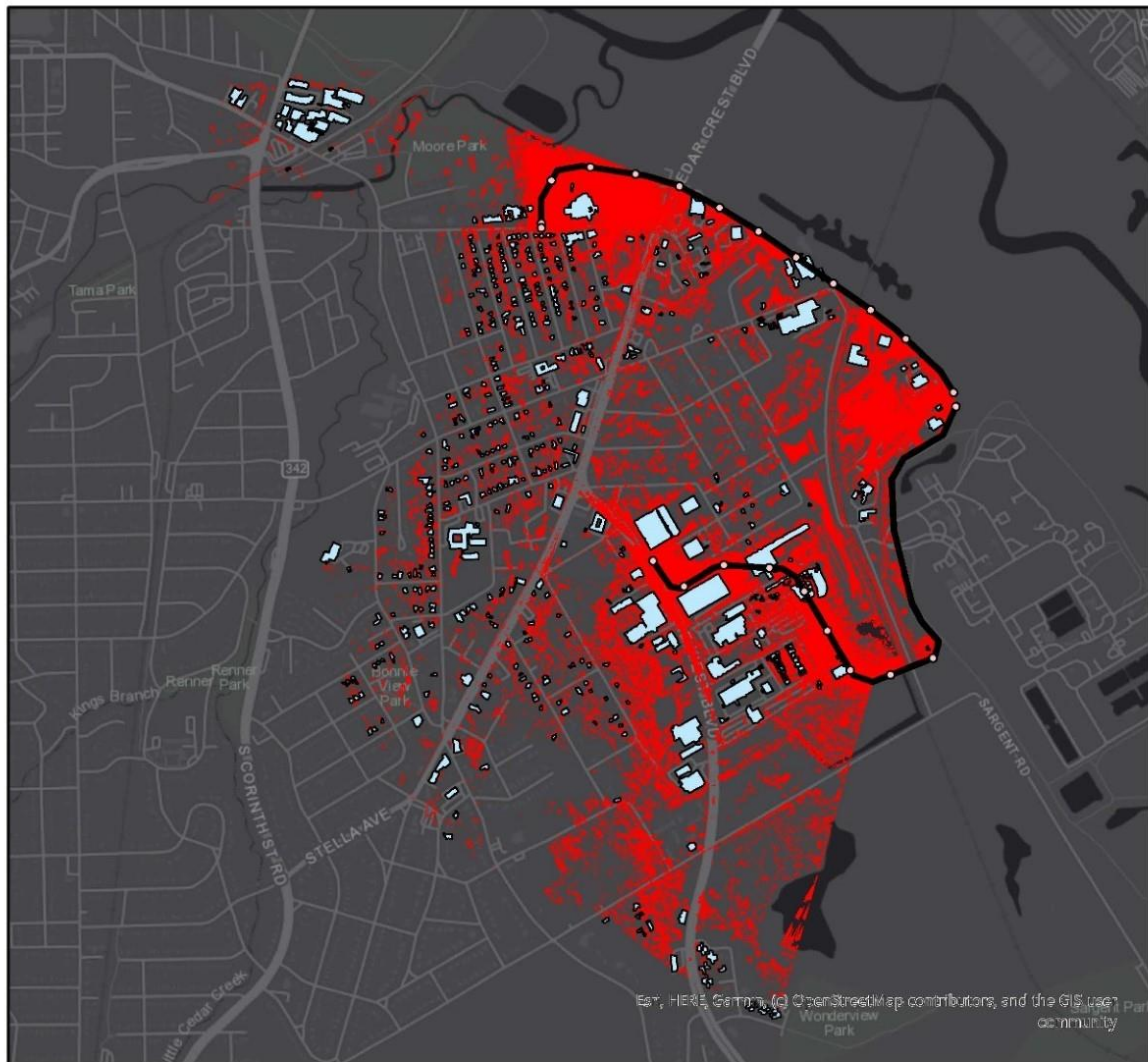
Not Depicted: Remaining Recreational Features and Environmental Mitigation. Additional maps depicting these elements shall be provided should these elements be approved for design.



2021

Figure 3 Unconstructed elements of the DFE include Lamar Levee, Cadillac Heights Levee, Recreational Features, and Environmental Mitigation. Only the Lamar Levee and Cadillac Heights Levee are depicted, as these elements have been approved for design; however, the depicted levee route is subject to change.

## Indirect APE for Architectural Historic Properties



### Cadillac Heights Levee Viewshed Analysis

- Cadillac Heights Observations Points at 25' Above Ground
- Cadillac Heights Levee Centerline
- Identified Buildings
- Area where buildings can view levee



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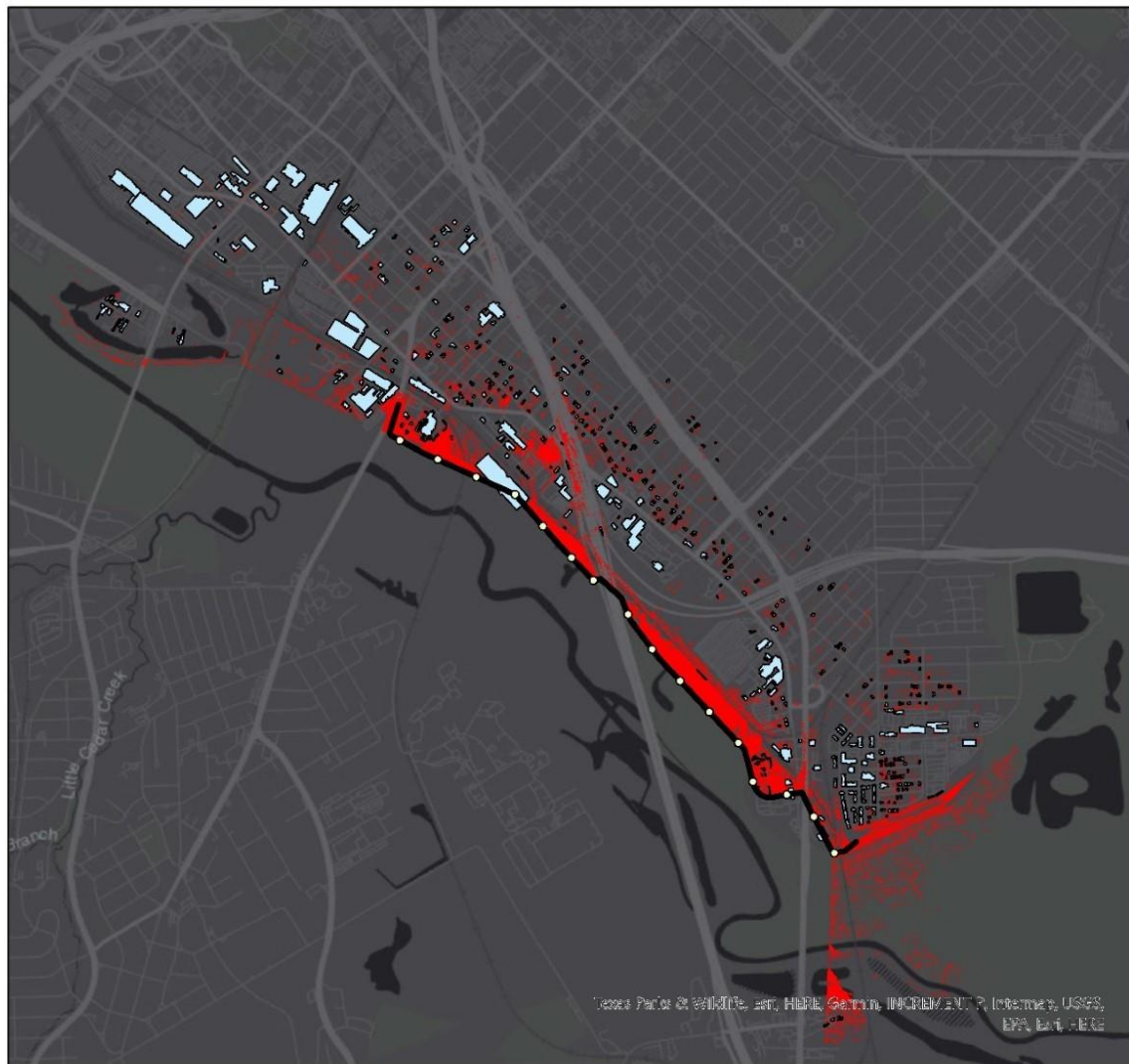
Geospatial Services Section  
Fort Worth District

Date Created: 10/4/2021

*Figure 4 Viewshed analysis of the Cadillac Heights Levee. Buildings identified via GIS data within view of the proposed levee are depicted as blue polygons. The area shaded in red identifies locations where structures, if present, would potentially be able to view the levee.*

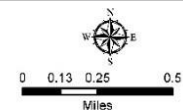


## Indirect APE for Architectural Historic Properties



### Lamar Levee Viewshed Analysis

- Lamar Observations Points at 31' Above Ground
- Lamar Levee Centerline
- Identified Buildings
- Area where buildings can view levee



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Date Created: 10/6/2021

*Figure 5 Viewshed analysis of the Cadillac Heights Levee. Buildings identified via GIS data within view of the proposed levee are depicted as blue polygons. The area shaded in red identifies locations where structures, if present, would potentially be able to view the levee.*

**APPENDIX B  
to the  
PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT,  
THE CITY OF DALLAS, AND  
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,  
REGARDING  
THE DALLAS FLOODWAY EXTENSION PROJECT  
(AGREEMENT)**

## Project Area, History of Compliance, and Area of Potential Effect

The Dallas Floodway Extension Project was initially authorized by Section 302 of the River and Harbor Act of 1965 (Public Law 89-298) for the purpose of reducing flood risk for the City of Dallas downstream of the Dallas Floodway. The project components were modified twice, once by Section 351 of the Water Resources Development Act (WRDA) of 1996 and once by the WRDA of 1999. Since the original authorization of the project 56 years ago, numerous studies regarding cultural resources and the potential for the undertaking to adversely affect historic properties have occurred.

The following cultural resources surveys were conducted between 1997 and 2013 to identify historic properties within the entire Dallas Floodway Extension project area : *Architectural Investigation of Six Resources Affected by the Dallas Floodway Extension Project, Dallas, Texas* (Murphey 1998), *Archeological, Architectural, Archival, and Geoarcheological Investigations of the Proposed Dallas Floodway Extension Project, Dallas County, Texas* (Cliff et al 1998), *Buried Archeological Site Potential in the Dallas Floodway Project Area* (Cliff et al 1999), *An Evaluation of Sites Within the Proposed Dallas Floodway Extension Project, Dallas County, Texas* (Buysse 2000), *Geoarcheological Investigations of Wetland Cell D within the Dallas Floodway Extension Project Area, Dallas, Texas* (Shanabrook et al 2002), *Intensive Archeological Resources Investigations of the Santa Fe Trestle Trail Borrow Pit, Dallas County, Texas* (Sundermeyer and Neel 2007), *Archaeological Monitoring of Road Construction for the Lamar Levee Project, City of Dallas, Texas* (Hunt 2013). Additionally, the USACE has concluded consultation on a desk review of the Phase II Recreational Trails associated with the Recreation Features portion of this project in January of 2020, with a determination of No Historic Properties Affected.

The Lower Chain of Wetlands, Trinity River Realignment, Upper Chain of Wetlands, Maintenance Paths and portions of the Environmental Mitigation were constructed under the 1998 Programmatic Agreement (PA). As such, many of the aforementioned cultural resources surveys were conducted for Section 106 compliance of these previously constructed elements. The following research design is applicable to the elements covered under the 2021 PA, which includes the Lamar Levee, Cadillac Heights Levee, remaining Recreation Features and Environmental Mitigation elements.

The following table correlates previous USACE eligibility determinations to the corresponding survey report.

# Summary of Previous Cultural Resource Investigations and Eligibility Recommendations

Archaeological Site Number	Eligibility Determination	Survey Report
41DL104	Ineligible	Cliff et. al 1998
41DL220	Ineligible	Cliff et. al 1998
41DL223	Ineligible	Cliff et. al 1998
41DL317	Ineligible	Cliff et. al 1998
41DL318	Ineligible	Cliff et. al 1998 Buysse 2000
41DL319	Ineligible	Cliff et. al 1998 Buysse 2000
41DL337	Ineligible	Cliff et. al 1998 Buysse 2000
41DL338	Ineligible	Cliff et. al 1998 Buysse 2000
41DL355	Ineligible	Cliff et. al 1998 Buysse 2000
41DL356	Ineligible	Cliff et. al 1998 Buysse 2000
41DL357	Ineligible	Cliff et. al 1998 Buysse 2000
41DL69	Ineligible	Cliff et. al 1998
41DL70	Ineligible	Cliff et. al 1998
41DL84	Ineligible	Cliff et. al 1998
41DL102	Undetermined	Cliff et. al 1998
41DL105	Undetermined	Cliff et. al 1998
41DL204	Undetermined	Cliff et. al 1998
41DL205	Undetermined	Cliff et. al 1998
41DL206	Undetermined	Cliff et. al 1998
41DL207	Undetermined	Cliff et. al 1998
41DL208	Undetermined	Cliff et. al 1998
41DL320	Undetermined	Cliff et. al 1998 Buysse 2000 Hunt 2013
41DL350	Undetermined	Cliff et. al 1998
41DL351	Undetermined	Cliff et. al 1998
41DL67	Undetermined	Cliff et. al 1998
41DL68	Undetermined	Cliff et. al 1998
41DL71	Undetermined	Cliff et. al 1998

41DL72	Undetermined	Cliff et. al 1998
41DL73	Undetermined	Cliff et. al 1998
41DL76	Undetermined	Cliff et. al 1998
41DL77	Undetermined	Cliff et. al 1998
41DL78	Undetermined	Cliff et. al 1998
41DL79	Undetermined	Cliff et. al 1998
41DL80	Undetermined	Cliff et. al 1998
41DL91	Undetermined	Cliff et. al 1998
41DL92	Undetermined	Cliff et. al 1998
41DL99	Undetermined	Cliff et. al 1998
SMU41DL36	Undetermined	Cliff et al. 1998 Summary in Skinner et al. 1978
SMU41DL38	Undetermined	Cliff et al. 1998 Summary in Skinner et al. 1978
SMU41DL39	Undetermined / Outside of APE	Cliff et al. 1998 Summary in Skinner et al. 1978
SMU41DL40	Undetermined / Outside of APE	Cliff et al. 1998 Summary available in Skinner et al. 1978
Historic Structure Number	Determination	Survey Report
A-6	Ineligible	Murphey 1998
A-7	Ineligible	Murphey 1998
A-9	Ineligible	Murphey 1998
A-12	Ineligible	Murphey 1998
A-16	Ineligible	Murphey 1998
A-36	Ineligible	Murphey 1998