ATTACHMENT C: AGENCY COORDINATION LETTERS

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Ms. Debra Bills
U.S. Fish and Wildlife Service
Ecological Services
2005 N.E. Green Oaks Blvd., Suite 140
Arlington, Texas 76006

Dear Ms. Bills:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from a Texas Department of Transportation (TxDOT) 33 U.S.C. Section 408 request for proposed construction of State Highway (SH) 183 Bridge over the Elm Fork of the Trinity River (crossing between the Northwest Levee within the City of Irving and the East Levee within the City of Dallas), Dallas Floodway, Dallas County, Texas. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the Dallas Floodway.

Under the terms of 33 U.S.C. Section 408, any proposed modifications to an existing USACE project, whether federally or locally maintained, that goes beyond those modifications required for normal operation and maintenance requires a determination by USACE that the proposed alteration, permanent occupation, or use of a federal project would not be injurious to the public interest and would not impair the functioning of the existing project. The Section 408 request included National Environmental Policy Act (NEPA) compliance coverage under the Programmatic Environmental Assessment (PEA) for Civil Works Minor Section 408 NEPA Compliance dated April 11, 2011, with a Finding of No Significant Impact (FONSI) signed April 15, 2011. Due to riparian woodland impacts, a Supplemental Environmental Assessment (SEA) was prepared to address impacts not disclosed in the PEA and to satisfy NEPA requirements.

A Public Notice has been prepared to notify the public of this action and to solicit comments. The Public Notice, draft FONSI and SEA are enclosed with this communication for your review and to solicit any additional comments or concerns your agency may have regarding this action. We will consider any comments that we receive from you by the close of the comment period as indicated on the Public Notice. Please address any comments you may have to the contact indicated in the Public Notice. Thank you for your cooperation in this matter.

Sincerely,

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Honorable Wallace Coffey, Chairman
ATTN: Mr. James Arterberry
Comanche Nation
584 NW Bingo Rd, HC 32 Box 908
Lawton, Oklahoma 73502

Dear Honorable Coffey:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from the Texas Department of Transportation's (TxDOT) proposed improvements to the State Highway 183 crossing the Elm Fork Trinity River, between Grauwyler Road and Regal Row in Dallas County, Texas. The proposed project would cross the East and Northwest Levees of the Dallas Floodway, which is a USACE federal project. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the federal projects.

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Sincerely,

E. W. Verwers

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

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FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 18 2014

Mr. Gregg Easley, Team Leader
Standards Implementation Team - Water Quality Division
Texas Commission on Environmental Quality
12100 Park Circle 35, Building F
Austin, Texas 78711

Dear Mr. Easley:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from the Texas Department of Transportation's (TxDOT) proposed improvements to the State Highway 183 crossing the Elm Fork Trinity River, between Grauwyler Road and Regal Row in Dallas County, Texas. The proposed project would cross the East and Northwest Levees of the Dallas Floodway, which is a USACE federal project. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the federal projects.

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Director, Regional Planning and
Environmental Center

Enclosures

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FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Mr. Tom Heger
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Dear Mr. Heger:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from a Texas Department of Transportation (TxDOT) 33 U.S.C. Section 408 request for proposed construction of State Highway (SH) 183 Bridge over the Elm Fork of the Trinity River (crossing between the Northwest Levee within the City of Irving and the East Levee within the City of Dallas), Dallas Floodway, Dallas County, Texas. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the Dallas Floodway.

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Sincerely,

E. W. Verwers

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

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FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Mr. Michael Jansky
Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Mail Stop 6ENXP
Dallas, Texas 75202

Dear Mr. Jansky:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from the Texas Department of Transportation's (TxDOT) proposed improvements to the State Highway 183 crossing the Elm Fork Trinity River, between Grauwyler Road and Regal Row in Dallas County, Texas. The proposed project would cross the East and Northwest Levees of the Dallas Floodway, which is a USACE federal project. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the federal projects.

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Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

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FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Ms. Amy Muttoni
Air Quality Division
Texas Commission on Environmental Quality
12100 Park Circle 35, Building F
Austin, Texas 78711

Dear Ms. Muttoni:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from a Texas Department of Transportation (TxDOT) 33 U.S.C. Section 408 request for proposed construction of State Highway (SH) 183 Bridge over the Elm Fork of the Trinity River (crossing between the Northwest Levee within the City of Irving and the East Levee within the City of Dallas), Dallas Floodway, Dallas County, Texas. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the Dallas Floodway.

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Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

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FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Honorable Terri Parton, President
Wichita Executive Committee
1 Mile North of Anadarko on Hwy 281
Anadarko, Oklahoma 73005

Dear Honorable Parton:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from a Texas Department of Transportation (TxDOT) 33 U.S.C. Section 408 request for proposed construction of State Highway (SH) 183 Bridge over the Elm Fork of the Trinity River (crossing between the Northwest Levee within the City of Irving and the East Levee within the City of Dallas), Dallas Floodway, Dallas County, Texas. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the Dallas Floodway.

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Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Honorable Ronald D. Twohatchet, Chairman
Kiowa Tribe of Oklahoma
Hwy 9 West
Carnegie, Oklahoma 73015

Dear Honorable Twohatchet:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from a Texas Department of Transportation (TxDOT) 33 U.S.C. Section 408 request for proposed construction of State Highway (SH) 183 Bridge over the Elm Fork of the Trinity River (crossing between the Northwest Levee within the City of Irving and the East Levee within the City of Dallas), Dallas Floodway, Dallas County, Texas. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the Dallas Floodway.

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Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 18 2014

Ms. Julie Wicker
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Dear Ms. Wicker:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from a Texas Department of Transportation (TxDOT) 33 U.S.C. Section 408 request for proposed construction of State Highway (SH) 183 Bridge over the Elm Fork of the Trinity River (crossing between the Northwest Levee within the City of Irving and the East Levee within the City of Dallas), Dallas Floodway, Dallas County, Texas. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the Dallas Floodway.

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Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

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FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Mr. Mark Wolfe, Executive Director
Texas Historical Commission
1511 Colorado
Austin, Texas 78701

Dear Mr. Wolfe:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from a Texas Department of Transportation (TxDOT) 33 U.S.C. Section 408 request for proposed construction of State Highway (SH) 183 Bridge over the Elm Fork of the Trinity River (crossing between the Northwest Levee within the City of Irving and the East Levee within the City of Dallas), Dallas Floodway, Dallas County, Texas. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the Dallas Floodway.

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Sincerely,

E. W. Ver

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

Regional Planning and Environmental Center

APR 1 8 2014

Mr. Dean McMath
ASW-613
Federal Aviation Agency
2601 Meacham Blvd.
Fort Worth, Texas 76137

Dear Mr. McMath:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from a Texas Department of Transportation (TxDOT) 33 U.S.C. Section 408 request for proposed construction of State Highway (SH) 183 Bridge over the Elm Fork of the Trinity River (crossing between the Northwest Levee within the City of Irving and the East Levee within the City of Dallas), Dallas Floodway, Dallas County, Texas. The proposed road improvements would be constructed in phases, and includes the relocation of transmission towers and billboards, as well as mitigation measures to offset effects on water surface elevations and valley storage capacity within the Dallas Floodway.

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Sincerely,

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

cc: CRM 7-24-03 SBW

Texas Department of Transportation

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

July 11, 2003

RECEIVED
JUL 16 2003
TEXAS HISTORICAL COMMISSION

SECTION 106: IDENTIFICATION OF HISTORIC PROPERTIES
Tarrant and Dallas Counties
CSJs# 0094-03-060; 0094-03-065; 0094-07-015; 0094-07-020
SH 183 from SH 360 to IH 35E

Mr. Bob Brinkman
History Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Post-it® Fax Note 7671	Date 8/11/03	# of pages ▸ 2
To NASSER ALKAZI	From M. SANCHEZ	
Co./Dept. DAL. DISTR.	Co. ENV/CRM	
Phone #	Phone #	
Fax # 214/320-4470	Fax #	

Dear Mr. Brinkman:

In accordance with the Programmatic Agreement (PA) among TxDOT, FHWA, the Advisory Council on Historic Preservation and the THC, this letter initiates Section 106 consultation for the proposed undertaking. We hereby initiate coordination on the results of a historic structure survey of the project area to identify properties potentially eligible for listing in the National Register of Historic Places (NRHP).

The federally funded undertaking will reconstruct and improve a 10-mile segment of SH 183 through portions of the cities of Fort Worth, Euless, Irving, and Dallas in Tarrant and Dallas Counties, Texas. SH 183 is a six-lane divided freeway with two-lane frontage roads on either side. The proposed improvements consist of widening the facility to eight main lanes, and adding 2-3 reversible HOV lanes. The project will be executed with the purchase of additional right-of-way (ROW).

In accordance with the provisions of 36 CFR 800, Texas Department of Transportation personnel conducted a cultural resources survey to identify properties potentially eligible for listing in the National Register of Historic Places extending to 1964, based on a 2009 project implementation schedule, while allowing for a five-year buffer. The project area includes a contemporary urban mix of single family residences and commercial and industrial establishments constructed between the early 1950s and 1990s. One historic age family cemetery is also included in the area of potential effects (APE).

The survey identified 106 pre-1964 sites to be 50 years of age or older within the APE, which for this project was determined to be 150 feet from either side of the proposed ROW (see-attached cultural resources inventory).

I have evaluated these 106 properties through application of the Criteria of Eligibility for listing in the National Register of Historic Places and I have determined that they are **not eligible** for inclusion in the register. The buildings do not have associations with significant historical figures or events. The structures represent

TxDOT - ENV
JUL 21 2003
CRM

common vernacular types that do not clearly reflect the distinctive characteristic of type, period, method of construction, work of a master or high artistic value.

Although the Nichols Park and Plymouth Parks neighborhoods are cohesive, easily identifiable areas, they failed to meet NRHP criteria for eligibility as historic districts. Many of the structures evidence numerous alterations to their original configuration and materials, including conversion of signature carports into enclosed garages or rooms, changes to exterior materials, and removal of original windows and doors.

The Tompkins Family Cemetery (Site ID #2) does not contain persons of transcendent importance. It does not have distinctive landscape design features or monuments of funerary art. Historical research does not indicate that the family had a significant role in the settlement of the county or its communities.

The bridges along SH 183 or crossing over the facility are also not eligible to the NRHP. Although their dates of construction extend from the 1940s to the early 1960s, all these structures were altered in the 1970s and in the 1980s according to agency records.

We request your written concurrence with these determinations of eligibility within 30 days of receiving this letter. If you need further information, feel free to call me at 416-2770.

Sincerely,

Mario L. Sánchez, Ph.D., R.A.
Historical Architect
Environmental Affairs Division

Attachments

NOT ELIGIBLE
for listing in the
National Register of Historic Places
PROJECT MAY PROCEED
by
for E. Lawrence Oaks
State Historic Preservation Officer
17 Jul 2003

TxDOT - ENV
JUL 21 2003
CRM

Mario

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

August 12, 2005

SECTION 106: IDENTIFICATION OF HISTORIC PROPERTIES
Tarrant and Dallas Counties
CSJs# 0094-03-060; 0094-03-065; 0094-07-015; 0094-07-020
SH 183 from SH 360 to IH 35E

Ms. Adrienne Campbell
History Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Ms. Campbell:

In accordance with the Programmatic Agreement (PA) among TxDOT, FHWA, the Advisory Council on Historic Preservation and the THC, this letter *resumes* Section 106 consultation for the proposed undertaking. We hereby initiate coordination on the results of a historic structure survey of the project area to identify properties potentially eligible for listing in the National Register of Historic Places (NRHP).

The federally funded undertaking will reconstruct and improve a 10-mile segment of SH 183 through portions of the cities of Fort Worth, Euless, Irving, and Dallas in Tarrant and Dallas Counties, Texas. SH 183 is a six-lane divided freeway with two-lane frontage roads on either side. The project will be executed with the purchase of additional right-of-way (ROW).

The project was originally coordinated with your office in a letter dated July 11, 2003 with a determination by TxDOT staff that none of the 106 properties surveyed in the 150 ft. area of potential effects (APE) were eligible to the NRHP. A stamped THC concurrence is dated July 17, 2003 (see-attached). The project received a Finding of No Significant Impact from the Federal Highway Administration in February 2004.

In the initial coordination, the proposed project improvements consisted of widening the current facility to eight main lanes with the addition of 2-3 reversible HOV lanes. In a recent re-evaluation of the original project, TxDOT has re-designed the new facility to include concurrent flow HOV lanes, as opposed to reversible. This change entails a wider section that requires acquisition of an additional 5.5 acres along parts of the northern ROW.

In accordance with the provisions of 36 CFR 800, Texas Department of Transportation personnel conducted *another* cultural resources survey to identify properties potentially eligible for listing in the NRHP. Twenty-six additional pre-1964 sites to be 50 years of age or older at the time of letting were identified within the APE,

which for this project was determined to be 150 feet from either side of the proposed ROW (see-attached cultural resources inventory).

I have evaluated these 26 properties through application of the Criteria of Eligibility for listing in the National Register of Historic Places and I have determined that, individually, they are **not eligible** for inclusion in the register. The buildings do not have associations with significant historical figures or events. The structures represent common vernacular types that do not clearly reflect the distinctive characteristic of type, period, method of construction, work of a master or high artistic value.

As shown in the attached aerials, while the original APE barely extended into the Nichols Park subdivision, the newly identified 26 properties in the revised APE are all located within that neighborhood. In investigating whether the c. 1955 Nichols Park subdivision was a comprehensively planned neighborhood, TxDOT research has uncovered that this residential area was not a designed development with schools, shopping centers and other amenities or auxiliary services. In fact, an adjacent large track of land between O'Connor and Toler Streets developed later with automobile dealership, grocery store (1984), and retail businesses oriented to the SH 183 commercial corridor, as opposed to being an integral part of the original community plan.

Architecturally, as a collection, the Nichols Park residences are typical designs of their day, and they are not distinctive or innovative examples of their type. In landscape architecture and community planning terms, the area does not reflect significant design principles evidenced in these disciplines at the time. For these reasons, the homes within the Nichols Park subdivision are **not eligible** to the NRHP as a residential historic district.

We request your written concurrence with these determinations of eligibility within 20 days of receiving this letter. If you need further information, feel free to call me at 416-2770.

Sincerely,

Mario L. Sánchez, Ph.D., R.A.
Historical Architect
Environmental Affairs Division

NOT
for
National Register
PROJECT
by
for F. Lawerence
State Historic
Date 8-29-05

Attachments

cc. Dwayne Jones, Executive Director, Preservation Dallas
Rick Thomas, Halff Associates

U.S. Department of Transportation
Federal Highway Administration

Texas Division Office

300 E. 8th Street, Room 826
Austin, Texas 78701
Phone: 512-536-5950
Fax: 512-536-5990
texas.fhwa@dot.gov

February 27, 2013

In Reply Refer To:
HA-TX

Ms. Linda Henderson
History Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

SECTION 106: DETERMINATION OF ELIGIBILITY AND EFFECTS—DALLAS FLOODWAY
Trinity Parkway Project: from IH 35 E/SH 183 to US 175/SH 310 in Dallas County, Texas
Control Section Job 0918-45-121

Dear Ms. Henderson:

In accordance with 36 CFR 800, we are continuing consultation for the above-referenced project, which constitutes a federal undertaking requiring interstate access approval from the Federal Highway Administration (FHWA). The purpose of this correspondence is to request agency review regarding the eligibility of the Dallas Floodway for listing in the National Register of Historic Places (NRHP) and potential effect from the Trinity Parkway Project (the Project) to this resource.

PREVIOUS COORDINATION:

Section 106 eligibility and effects consultation for additional resources within the proposed project's area of potential effects (APE) was completed in previous separate consultation between the Texas Department of Transportation (TxDOT) and the Texas Historical Commission (THC). In a letter dated July 12, 2011, TxDOT determined that Alternatives 2A, 2B and 4B would have no adverse effect on historic properties and that Alternative 3C, if selected, would have an adverse effect on the Continental Street Viaduct. THC concurred with those determinations on July 21, 2011.

In its July 12, 2011 correspondence, TxDOT noted that a determination of eligibility on the Dallas Floodway remained outstanding per further evaluation by TxDOT and FHWA. TxDOT originally made a determination that the floodway was not eligible as a historic district in its letter dated October 26, 2009, based on the findings in the *Non-Archaeological Historic-Age Reconnaissance Survey Report, Trinity Parkway (October 2009)*. In its response dated November 12, 2009, your agency indicated that the floodway could be eligible as a historic

district at the local level of significance, but that additional information was needed regarding the integrity of the floodway resources before making a final determination.

On November 29, 2011, FHWA requested THC review and comment on a determination of the floodway as not eligible for the NRHP. The SHPO did not concur with that determination in its response dated December 30, 2011. Based on that response, FHWA now determines that the Dallas Floodway is **eligible** to the NRHP under Criterion A at the local level of significance for Community Planning and Development.

An accumulation of alterations, modifications and additions affecting the majority of the floodway components associated with water control and drainage, coupled with the lack of noted innovative, unique or significant engineering, eliminate the eligibility of this resource in the area of Engineering either under Criterion A or Criterion C.

THE DALLAS FLOODWAY:

The Dallas Floodway is located along the Trinity River in Dallas, Texas. The floodway extends roughly to Loop 12 at the Elm Fork to the north, IH 30 at the West Fork to the west and the AT&SF Railroad crossing over the Trinity River to the south. The Trinity River and the floodway bisect the city of Dallas (Figure A). Historical information, period of significance (POS), floodway component descriptions and historical significance discussed below are based on information provided by the US Army Corps of Engineers (USACE) in unpublished reports and previous TxDOT-led studies, including:

- *Non-Archeological Historic-Age Reconnaissance Survey Report, Trinity Parkway (TxDOT, October 2009)*
- *The Dallas Trinity River Reclamation Project: An Exploratory Study of Historic Significance, Integrity and Potential National Register Eligibility for the USACE Comprehensive Analysis Environmental Impact Statement (USACE, October 7, 2009)*
- *Intensive Engineering and Architectural Inventory of the Dallas Floodway, Dallas, Texas (USACE, January, 2010)*
- *Intensive Engineering and Architectural Inventory of the Dallas Floodway, Dallas, Texas (USACE, May 3, 2010)*
- *Intensive-Level Investigations in support of Proposed Trinity Parkway Project, Dallas, Dallas County, Texas (TxDOT, June 3, 2010)*
- *Intensive Engineering Inventory of the Dallas Floodway, Dallas, Texas (USACE, August, 2010)*

Property Type Evaluation

As previously discussed in the November 29, 2011 correspondence, while conceptually the Dallas Floodway was intended to convey a united vision or plan (historic designed landscape) or could have represented the evolution of a built landscape over time (historic vernacular landscape), this vision was never fully achieved and the resource today does not represent a manifestation of a wide variety of resource types linked through a plan or development. As the original vision for the floodway as an integrated community resource and engineering feature did not materialize historically and given its current state, it cannot be recommended for eligibility as an historic district or cultural landscape.

Based on numerous exchanges between TxDOT, FHWA and the USACE pertaining to the above referenced reports and the above presented rationale on why the resource would not be eligible as a historic district or cultural landscape, agreement was reached that an evaluation of the floodway as an historic engineering structure was the most appropriate property type for assessing floodway eligibility to the NRHP.

Period of Significance
The POS for the floodway begins at the start of its construction in 1928. By 1932, the essential components of the floodway—the levees, overbank, channelized river and pump stations—were built with city bond monies to contain the waters of the Trinity. In 1945, under an act of the US Congress, the USACE became involved in construction activities to strengthen the floodway by substantially adding, repairing and modifying its components. Initiated in 1953, the second construction phase was finished in 1959, thus closing the POS.

Historic Context
As referenced in detail in the November 29, 2011 correspondence from FHWA, key developers in Dallas worked diligently as early as 1910 to develop plans to provide flood protection to the Dallas city center. Over the years, funding limitations resulted in modifications to the original floodway designs. Modifications to the floodway elements continue to occur to this day to ensure that the system continues to operate as a functional flood control system.

Dallas Floodway Essential Physical Features
In evaluating the floodway as an engineering structure, the entire system is viewed as a single, interconnected entity composed of above- and below-ground components working collectively as a "flood control machine."[1]

Per NRHP Bulletin #15, "essential physical features are those features that define both why a property is significant (Applicable Criteria and Areas of Significance) and when it was significant (POS)."[2] The Dallas Floodway consists of four essential physical features: 1) Levees, 2) Diversion channels, 3) Overbank and 4) Structures. The four essential physical features function in unity within the larger flood control system. A brief description of the four essential physical features is provided below, with additional discussion following in the character-defining features section:

- Levees are battered, manmade earthen embankments forming the outer walls of the overbank area to contain floodwater within the floodway.
- Diversion channels are manmade dredged channels designed to carry redirected water to the new, channelized Trinity River, as well as from storm water outfalls and other diversion channels within the interior drainage system.
- Overbank is the area of land between the levees throughout the floodway. The outer areas of the overbank contain outlet gates and outspill structures associated with pumping plants and pressure sewers.
- Structures associated with the floodway assist in flood control and include pumping plants, outlet gate structures, pressure sewers, sluices, intakes, culverts, sumps and emergency control structures.

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[1] USACE, *Intensive Engineering Inventory of the Dallas Floodway, Dallas, Texas,* August 2010, p.3-9.
[2] National Park Service, *How to Apply the National Register Criteria for Evaluation,* 1997, p. 46.

Character-defining Features within Essential Physical Features
The four essential physical features also contain character-defining features to assist in flood control:

Levees
The levee system encompasses three separate levees: East Levee, West Levee and the Northwest Levee. The East and West levees each extend 12 miles along the floodway in a general west-to-southeast downstream direction parallel to the Trinity River diversion channel. To the north, at the confluence of the Elm Fork and West Fork of the Trinity River, the two levees split. The East Levee continues in a northeasterly direction along the Elm Fork and the West Levee continues in a southwesterly direction along the West Fork. These diverging sections of the East and West Levees are also known locally as the East and West Tie Back Levees, respectively. The 2.8 mile long Northwest Levee runs parallel to the East Tie Back Levee along the Elm Fork.

The distinguishing features of the levees include their height, width and trapezoidal profile. The levees are approximately 28 feet above the overbank and consist of a 16-foot crown at the top of the levee and a 3:1 slope for the side walls, flattening to a 3.5:1 slope on the land side in some areas. Earthen ramps are also built into the levee walls providing vehicular access to and from roadways on the land and riversides.

Diversion Channels
The diversion channels consist of the main, channelized Trinity River, 15 miles of secondary diversion channels and two miles of auxiliary channels:

- Trinity River diversion channel is the seven-mile-long relocated channel of the Trinity River. It is a manmade dredged channel with stone rip rap and vegetation lining the banks and extends down the center of the floodway between the levees in a northwest-to-southeast direction.
- West Fork and Elm Fork diversion channels are two secondary waterways along the West Tie Back and East Tie Back levees, respectively.

Overbank
The overbank contains the main Trinity River diversion channel and measures approximately 1,400 to 3,000 feet between the East and West levee toes. The overbank also encompasses the area between the West Fork Diversion Channel and the West Tie Back Levee and the land between the East Tie Back Levee and the Northwest Levee at either side of the Elm Fork Diversion Channel. It is a wide, flat, undeveloped stretch of land with riparian areas and wetland depressions. Tree growth is dispersed through the overbank.

The overbank contains a myriad of modern intrusions, including the 20-acre Trammell Crow Lake Park (containing a lake, sports fields and a boat ramp), the Santa Fe Trestle Trail and associated parking lot, extensive overhead electric lines mounted on large metal towers in the area just north of the Continental bridge and extending south on the southwest side of the overbank to the AT&SF bridge and overhead electric lines crossing the West Tie Back Levee and East Levee. While not maintained by the City of Dallas, the 220-acre Trinity View Park and the 330-acre Twin Wells Park and Golf Course spill into the floodway area.

Structures
The multitude of structures include pumping plants, outlet gate structures, pressure sewers, intakes, sluices, culverts, sumps and emergency control structures, a number of which were built before 1960 during the POS. All of these structures, both above- and below-ground, are integral to the flood control system. They function contiguously to make the overall flood control structure manageable and keep dry the reclaimed and other adjacent lands by transferring water from the landside of the levees to the diversion channel within the overbank.

- Pumping plants are facilities that contain the pumps necessary for moving water from one location to another. The pumps operate over a discharge chamber, which diverts the water from the plant into the overbank area through an underground sluiceway that leads to the outlet gate structures. They are located adjacent to the levees on the land side.
- Outlet gate structures are outspill structures that carry storm water from the pressure sewers and pumping plant facilities out to the channelized river to avoid flooding. The tall concrete towers housing gate hoists are located on the inside of the overbank on the river side of the levees.
- Pressure sewers are systems of pipes that carry storm water runoff to higher elevations, or in the case of the Trinity River, to the diversion channel. They are located on both the river and land sides of the levees. The concrete structures house reinforced metal pipes to handle the water flow between the riverside and landside of the levees.
- Intake structures are large, grated concrete openings where water enters into the floodway's system of sluiceways and culverts. They are associated with the larger pumping plants and pressure sewers and are located in the watershed.
- Sluices are gravity-controlled and, along with the culverts, they are concrete water channels controlled by a gate utilized to direct water levels. They are located on the outer edges of the East and West Levees.
- Sumps (totally 272, according to a 1969 report) are drainage ditches that collect local storm water runoff and discharge it into culverts throughout the floodway system. They are located near the levees and often adjacent to pumping plants on the landside.
- Emergency control structures are concrete bulkheads that allow for the closure, if necessary, of two sanitary sewer lines that cross the East Levee in the event of excessive leakage or failure during periods of high water.

Statement of Significance
Criterion A
While THC's December 30, 2011 letter suggests that the Dallas Floodway may be eligible for the NRHP at the local level of significance under Criterion A in the area of Engineering, we affirm through this determination that the floodway **is not eligible under Criterion A in the area of Engineering** given the lack of noted innovative, unique or significant engineering associated with this infrastructure system. We believe this determination is supported in THC's assessments which concluded that the floodway would not be eligible under Criterion C. Despite extensive modifications and modern intrusions to the floodway, the Dallas Floodway **is eligible under Criterion A at the local level of significance in the area of Community Planning and Development** for its contribution to the physical growth and development of the City of Dallas. Its function as a flood control system facilitated the City's planning efforts, allowing residential and industrial growth along the Trinity River.

The floodway had two phases of development during its 1928 to 1959 POS. The first phase was the initial construction of the floodway between 1928 and 1932 that was partly based on Kessler's plan, plus the two Joint Plans of Reclamation of 1923 to 1931. The second phase was the USACE's program between 1953 and 1959 that repaired, modified, strengthened and partly re-aligned the levee system and added new pumping plants and pressure sewers. This latter phase allowed development of reclaimed lands during the 1940s and 1950s, including commercial development in the Trinity Industrial District and commercial and residential development in West Dallas.[3]

Criterion B
As discussed in greater detail in the November 29, 2011 letter from FHWA, the Dallas Floodway **is not significant under Criterion B** because it lacks sufficient integrity of association with significant historical figures. Several individuals who made important contributions to the history of Dallas were involved in the Dallas Floodway project, but they did not gain historical importance within their professional areas due to the project.

Criterion C
The floodway's ability to convey its engineering significance is compromised by its diminished integrity of materials, workmanship, setting and design (see details provided in the November 29, 2011 letter from FHWA to support this determination). The floodway is also not "exceptionally innovative in terms of engineering,"[4] nor is it a precedent-setting flood control project, as it does not employ unique or distinctive design elements, materials, equipment or innovative technology. Per the recognition of the 1932 floodway components by the Texas section of the American Society of Civil Engineers, the floodway "did not incorporate any truly innovative civil engineering design."[5] By comparison to other similar property types, the Miami River flood control project in Dayton, Ohio, was a precedent-setting project constructed between 1918 and 1922 and at the time was the largest public works project in the world.[6] As such, the Dallas floodway **is not eligible under Criterion C in the area of Engineering.**

DALLAS FLOODWAY: DETERMINATION OF NRHP ELIGIBILITY AND EFFECT

NRHP Eligibility Determination

The Dallas Floodway within the City of Dallas extends roughly to Loop 12 at the Elm Fork to the north, IH 30 at the West Fork to the west and the AT&SF Railroad crossing over the Trinity River to the south. The POS for the resource dates from 1928 to 1959, the beginning and ending years of significant construction of the floodway.

The Dallas Floodway contains four essential physical features (levees, diversion channels, overbanks and structures) with an extensive set of character-defining features, all of which incrementally and continually have been encroached upon with substantial modifications and intrusions since 1960. The following elements associated with or in proximity to the floodway

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[3] In a separate survey report forwarded by TxDOT to the THC in a letter dated June 16, 2010, the Trinity Industrial District was determined to be not eligible to the NRHP under Criteria A, B or C. THC concurred with those findings on July 6, 2010.
[4] USACE, *Intensive Engineering Inventory of the Dallas Floodway, Dallas, Texas,* August 2010, p. 5-68.
[5] American Society of Civil Engineers, *National Historic Civil Engineering Landmark Nomination Form*, p. 3.
[6] "The History of MCD Construction", http://www.miamiconservancy.org/about/construction.asp, accessed April 5, 2012 and January 6, 2011.

are examples of elements that do *not* contribute to the resource's significance and are *not* character-defining features of this system:

- Structures constructed outside of the resource's POS, such as the Hampton Road pumping plant, the pump house (1970s) added to the Able pumping plant and the Woodall Rodgers (1979) and Coombs Creek (1989) pressure sewers.
- New Frazier Dam installed at the Elm Fork diversion channel in 1965.
- Recreational facilities, such as Trammel Crow Lake Park and Twin Wells Park and Golf Course.
- Old West and Elm Fork Channels and the Old Trinity River Channel are outside of the levees and floodway and, based on input from USACE engineers[7], are not essential functional components of the floodway system. These visible natural features are not designed, engineered structures or essential physical features of the floodway. As such, these features and their associated culverts are excluded from inclusion within the boundaries of the resource for listing on the NRHP. We base this determination on the consultation for eligibility and effects for TxDOT's Dallas Horseshoe Project (CSJ # 0196-03-205) on June 26, 2012 in which THC concurred that the Old Trinity River Channel and its associated culverts are not eligible for the NRHP.

The Dallas Floodway **is eligible under Criterion A at the local level of significance in the area of Community Planning and Development as an infrastructure system** for its contribution to the physical growth and development of the City of Dallas. Its function as a flood control system facilitated the City's planning efforts, allowing residential and industrial growth along the Trinity River.

NRHP Effects Determination

The Project initially included six alternatives developed from the planning and environmental scoping processes. These alternatives have been refined to four build alternatives and a no-build alternative still under consideration. All of the build alternatives are located approximately from south of the IH 35E/183 interchange to the US 175/SH 310 interchange for a distance of about nine miles. The preferred alternative for the project would be identified in the Final Environmental Impact Statement, which is currently anticipated in the summer of 2013.

The Criteria of Effect and the Criteria of Adverse Effect were applied to the Dallas Floodway. The Dallas Floodway was originally envisioned primarily as a utilitarian system to function for flood control. The floodway also was intended, secondarily, to be an integrated component of a broader community plan for the development of the City of Dallas. The original vision for the Dallas Floodway included construction of the necessary infrastructure to allow development outside of the levees, as well as recreational spaces, transportation facilities (including road and rail) and a civic center inside the levees.

While the floodway contributed to the City's development, it has undergone numerous alterations and modifications since the closing of its POS in 1959, impairing its integrity of materials and workmanship. THC's letter of December 30, 2011 states that infrastructure properties need only retain integrity of location, design, feeling and association to be eligible

[7] Personal communication, 2010, and USACE, *Intensive Engineering Inventory of the Dallas Floodway, Dallas, Texas,* August 2010, Tables 5-1 and 5-4 and Figures 5-2, 5-10, 5-72, and 5-87.

under Criterion A and that those modern intrusions to the resource setting must be expected in an urban area.

Landside alignments:

- Alternative 2A – Irving/Riverfront (Industrial) Boulevard – **Elevated** includes reconstruction of the existing Irving/Riverfront (Industrial) Boulevard (Figures B1, B2). This alternative would primarily be elevated as a double-deck structure. Alternative 2A typically would consist of three lanes in each direction of travel with proposed tollway mainlanes. The elevated toll lanes would be approximately 17 feet above the ground pavement surface.

Project consultants developed Alternative 2A with the levee features in mind. They sought to avoid to the maximum extent possible any functioning components of the levee system in order to simplify engineering and to reduce the potential impact to the floodway's storm water carrying capacity (which would factor into determinations of practicability under Executive Orders 11990 and 11988 and coordination with the USACE for potential permit under Section 404 of the Clean Water Act and 33 USC 408 [i.e., Section 408] authorized in Section 14 of the Rivers and Harbors Appropriation Act of 1899). Alternative 2A would occur outside of the levees for the entirety of the alternative and would therefore pose **no adverse effect to the Dallas Floodway**.

- Alternative 2B—Irving/Riverfront (Industrial) Boulevard—**At Grade** generally follows the same alignment as Alternative 2A and the existing Irving/Riverfront (Industrial Boulevard), but would be constructed at-grade (Figures C1, C2). North of Corinth Street, one-way service roads would be constructed on each side of the tollway to compensate for the loss of arterial streets and provide local access.

Project consultants developed Alternative 2B with the levee features in mind. They sought to avoid to the maximum extent possible any functioning components of the levee system in order to simplify engineering and to reduce the potential impact to the floodway's storm water carrying capacity (which would factor into determinations of practicability under Executive Orders 11990 and 11988 and coordination with the USACE for potential permit under Section 404 and Section 408). Alternative 2B would occur outside of the levees for the entirety of the alternative and would therefore pose **no adverse effect to the Dallas Floodway**.

Floodway alignments:

- Alternative 3C (Combined Parkway—**Further Modified**) generally follows along the riverside of the east levee of the floodway (Figures D1, D2). Alternative 3C would include elevated ramps at the North Dallas Floodway Entry, the Woodall Rodgers Freeway connection, the Riverfront (Industrial) Boulevard connection, the South Dallas Floodway Exit and the IH-45 connection on the riverside of the parkway. South of the DART light rail bridge, Alternative 3C would be elevated on structure and offset about 50 feet from the riverside edge of the future USACE east levee extension (Lamar Levee). Approximately 1,500 feet south of MLK, alternative 3C would cross to the landside of the future Lamar Levee to follow the landside of the levee to IH-45 to follow city streets to US 175/SH 310.

The distance of the proposed facility to the levee walls would vary by up to 100 feet from the inside toe, based on the geometric constraints of the bridges and the need to accommodate future

improvements to the levees. A flood separation wall would be provided at existing bridge crossings, as the roadway would need to be depressed to allow sufficient clearance for vehicles traveling under the bridge structures. *Effects to historic bridges due to partial fill of supports and flood separation walls were previously coordinated with your agency, which concurred with TxDOT's no adverse effect determination on July 21, 2011.*

Only a small portion of the levees would be impacted by the construction of the roadway on the riverside, or inside slopes of the earthen structures. When measured horizontally, out of a total of 630.04 acres of levee area in the Dallas Floodway, only 73.03 acres – or 11.59 percent of total acreage – would be impacted by the roadway under Alternative 3C (Figure E). When measured based on the cross sections, approximately 60 percent of the 4.7-mile length of the roadway embankment adjacent to the east levee would be situated along the lower half of the levee wall (Figure F).

As Alternative 3C could not be selected as the preferred alternative without receiving concurrence from the USACE that the proposed action would be practicable under Executive Orders 11990 and 11988 and could not be constructed without a USACE issued permit under Section 404 of the Clean Water Act and approval under Section 408, *Alternative 3C would not substantially hinder the functionality of the floodway system.* Given the scale of the floodway, Alternative 3C would not result in a substantial reduction of the width of the floodway overbank. Current overbank crossing distance extends from a maximum of 3,071 ft. to a minimum of 1,473 ft. Under Alternative 3C, those figures would change from a maximum of 2,702 ft. to a minimum of 1,238 ft., for a difference of 369 ft. and 235 ft., respectively. This would reduce the maximum floodway overbank width by 12 percent and its minimum by 15 percent (Figure G).

Furthermore, the construction of a transportation facility within the floodway is in keeping with the original design of the floodway as an integrated multipurpose, floodwater conveyance, and recreation and transportation system. The floodway would retain its existing aspects of integrity of location, design, feeling and association and its historical significance should Alternative 3C be selected. As such, FHWA determines that Alternative 3C would result in **no adverse effect to the Dallas Floodway**.

- Alternative 4B (Split Parkway Riverside—**Modified**) would travel southwest from IH 35/SH 183 to enter the floodway west of Hampton/Inwood Road (Figures H1, H2). The mainlanes would be elevated over the levees to allow the required vertical clearance. The southbound lanes would run along the riverside of the west levee and the northbound lanes would run along the riverside of the east levee. The lanes would join together again just east of IH 35E. East of Corinth Street, Alternative 4B would follow Alternative 3C's route to US 175/SH 310.

The distance of the proposed facility to the levee walls would vary by up to 100 feet from the inside toe, based on the geometric constraints of the bridges and the need to accommodate future improvements to the levees. A flood separation wall would be provided at existing bridge crossings, as the roadway would need to be depressed to allow sufficient clearance for vehicles traveling under the bridge structures. *Effects to historic bridges due to partial fill of supports and flood separation walls were previously coordinated with your agency, which concurred with TxDOT's no adverse effect determination on July 21, 2011.*

Only a small portion of the levees would be impacted by the construction of the roadway on the riverside, or inside slopes of the earthen structures. When measured horizontally, out of a total of 630.04 acres of levee area in the Dallas Floodway, only 107.9 acres – or 17.13 percent of total acreage – would be impacted by the roadway under Alternative 4B (Figure I). When measured based on the cross sections, approximately 60 percent of the 4.7-mile length of the roadway embankment adjacent to the east and west levees would be situated along the lower half of the levee wall (Figure F; please note that the attached sectional drawings depict Alt. 3C, as Alt. 4B is similar in terms of roadway embankment height when compared to the levee).

As Alternative 4B also could not be selected as the preferred alternative without receiving concurrence from the USACE that the proposed action would be practicable under Executive Orders 11990 and 11988 and could not be constructed without a USACE issued permit under Section 404 and approval under Section 408, *Alternative 4B would not substantially hinder the functionality of the floodway system.* Given the scale of the floodway, Alternative 4B would not result in a substantial reduction of the width of the floodway overbank. Current overbank crossing distance extends from a maximum of 3,071 ft. to a minimum of 1,473 ft. Under Alternative 4B, those figures would change from a maximum of 2,747 ft. to a minimum of 1,218 ft., for a difference of 324 ft. and 255 ft., respectively. This would reduce the maximum floodway overbank width by 10 percent and its minimum by 17 percent (Figure J). Furthermore, the construction of a transportation facility within the floodway is in keeping with the original design of the floodway as an integrated multipurpose, floodwater conveyance, and recreation and transportation system. The floodway would retain its existing aspects of integrity of location, design, feeling and association and its historical significance should Alternative 4B be selected. As such, FHWA determines that Alternative 4B would result in **no adverse effect to the Dallas Floodway**.

Indirect Effects:
Induced development from the project would not adversely alter the physical appearance of the Floodway. As the Floodway was originally envisioned to enable the City of Dallas to develop commercial, industrial and residential properties in the flood zone of the Trinity River, future redevelopment or construction within those areas would not meaningfully contradict the function of the Dallas Floodway or its location, design, feeling and association. Furthermore, the original plans for the floodway included multiple uses within the floodway, such as recreation and transportation facilities, so any potential future construction of such facilities within the floodway would represent the realization of the original and continuing community planning for the area and would not meaningfully contradict the resource's setting, location, design, feeling and association under Criterion A.

Cumulative Effects:
Other reasonably foreseeable actions that may impact the Dallas Floodway include the following projects:

- City of Dallas Balanced Vision Plan (lakes, river realignment and recreational features)
- USACE Dallas Floodway Flood Risk Management Measures (levee raise and removal of abandoned sections of the AT&SF bridge)
- USACE Dallas Floodway Extension (future Lamar Levee and Cadillac Heights Levee)
- City of Dallas Able Pump Station improvements

- City of Dallas Pavaho Wetlands Project (wetlands construction east and west of the Sylvan Ave. bridge
- TxDOT's Dallas Horseshoe Project (reconstruction of IH 30 and IH 35E bridges crossing the floodway)
- Jefferson Memorial Bridge crossing the floodway

As these and other projects that could impact the Dallas Floodway in the future could not be implemented without the concurrence of the USACE that the proposed actions would be practicable under Executive Order 11990 and 11988 and/or permitted under Section 404 of the Clean Water Act and Section 408, such projects could not substantially hinder the functionality of the floodway system. Given that the USACE projects are intended to improve floodway system performance and the USACE would require other reasonably foreseeable projects to demonstrate hydraulic neutrality and prove that they would not affect the structural integrity of the levees, or present a hindrance to floodway operations and maintenance, they would therefore pose no adverse cumulative effects upon the floodway and its engineered water drainage facilities.

Section 4(f) Applicability:
The build alternatives currently under consideration for the Trinity Parkway project occur within or in the vicinity of the Dallas Floodway, an NRHP-eligible property. In accordance with the Supplemental Appropriations Act of 2010 (Public Law No. 111-212), Section 405(b), FHWA is exempt from the requirements of Section 4(f) of the US Department of Transportation Act of 1966 for any highway project to be constructed "in the vicinity" of the Dallas Floodway. FHWA determined on January 23, 2012 that the exemption from the requirements of Section 4(f) established in Public Law No. 111-212 apply to all historic resources within the floodplain within the Trinity Parkway Project Area of Potential Effect (APE).

Conclusion:
FHWA determines the Dallas Floodway **eligible** for the NRHP under Criterion A at the local level of significance in the area of Community Planning and Development as an infrastructure system that contributed to the physical growth and development of the City of Dallas. Its function as a flood control system facilitated the City's planning efforts, allowing residential and industrial growth along the Trinity River.

Four build alternatives are currently under consideration for the Trinity Parkway Project. The landside alternatives (2A and 2B) would not directly affect the Dallas Floodway. There are no anticipated indirect or cumulative effects from these alternatives that would adversely affect the Dallas Floodway's location, design, feeling and association. As previously mentioned in THC's December 30, 2011 letter, modern intrusions to the resource setting must be expected in an urban area and as such, changing the existing Irving/Riverfront (Industrial) Boulevard, either at-grade or elevated, would not result in an adverse effect to the resource setting. Accordingly, FHWA determines that the landside alternatives would result in **no adverse effect** to the Dallas Floodway.

The floodway alternatives (3C and 4B) have a greater potential to affect the Dallas Floodway as these alternatives would be constructed in part within the floodway. Based on measures taken to avoid and minimize harm to floodway resources and steps that would be taken to comply with USACE permit conditions, the floodway alternatives would not result in an adverse effect to the

functionality; to the aspects of integrity of location, design, feeling and association; and to the historical significance of the Dallas Floodway. Accordingly, FHWA determines that the floodway alternatives would result in **no adverse effect** to the Dallas Floodway.

Based on the significance of the resource, its intended function, its current integrity and recent projects that have undergone review by THC for effect to historic resources, we determine that the proposed Trinity Parkway Project undertaking would have **no adverse effect** on the Dallas Floodway. *Please note that with your concurrence of no adverse effect to the Dallas Floodway, FHWA now re-affirms, as indicated in your signed concurrence of July 21, 2011, that the only outstanding effects issue in the Trinity Parkway Project pertaining to historic properties is the design of the north approach spans of the Continental Viaduct under Alternative 3C. If that alternative is selected, FHWA will continue consultation with THC on this issue.*

We request your written concurrence with these determinations of eligibility and effects within 30 days of receiving this letter. We also seek to have a meeting with you and your staff to develop guidance for how this eligible resource should be managed consistent with a standard treatment plan for future projects with the potential to affect it. If you have any questions or comments concerning these determinations, please contact Anita Wilson (512-536-5951, anita.wilson@dot.gov) or Barbara Maley (214-224-2175, barbara.maley@dot.gov).

Sincerely,

Salvador Deocampo
District Engineer

Enclosures

CONCUR
DALLAS FLOODWAY
NO ADVERSE EFFECT
Associated with the Trinity Parkway Project (CSJ 0918-45-121)

NAME:_____ **DATE:** _____
for: Mark Wolfe
State Historic Preservation Officer

ecc. Halff Associates, Jason Diamond
NTTA, Elizabeth Mow
HNTB, Dan Chapman
Preservation Dallas, Katherine Seale
Dallas CLG, Mark Doty
Dallas Co. Historical Commission, Ann Spillman
Amaterra Corp., Tom Eisenhour, Kurt Korfmacher
Historic Bridge Foundation, Kitty Henderson

bcc. Dallas District, Dan Perge
Dallas District, Stan Hall
ENV/PD, Scott Ford
ENV/PM, Lisa Hart
ENV/HIST, Bruce Jensen
ENV/HIST, Mario L. Sanchez

26 March 2013

Salvador Deocampo, District Engineer
Federal Highway Administration
Texas Division Office
300 E. 8th Street, Room 826
Austin, Texas 78701

Re: Project review under Section 106 of the National Historic Preservation Act of 1966
Determination of Eligibility and Effects—Dallas Floodway; Trinity Parkway Project: from IH 35 E/SH 183 to US 175/SH 310, Dallas County, Texas (FHWA CSJ 0918-45-121)

Dear Mr. Deocampo,

Thank you for your recent letter about the above-referenced Trinity Parkway Project and the impacts of Alternatives 2A, 2B, 3C, and 4B on the Dallas Floodway, a system that falls under the oversight of the U.S. Army Corps of Engineers (USACE). This letter serves as official comment from Texas' State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC).

THC staff led by Linda Henderson reviewed the materials provided. We concur that the Dallas Floodway is **eligible** for listing in the National Register of Historic Places (NRHP) under Criterion A at the local level of significance in the area of Community Planning and Development. Although the *feeling* of the Floodway may be altered by Alternatives 3C and 4B of the Trinity Parkway, we also concur that the project as proposed will not diminish other aspects of the Floodway's historic integrity in a way that would lessen its ability to convey its significance. We appreciate the figures you provided that outline the percentage of levee impacted.

We do concur that the project's four alternatives as proposed will have **no adverse effect** on the NRHP-eligible Dallas Floodway. We cannot concur, though, that the issuance of USACE permits for this and future projects and the implication therein of ensured Floodway functionality would constitute a "no adverse effect" determination. Projects would need to be assessed individually for their effects on the Floodway. If Alternative 3C is chosen, we will continue consultation related to effects of the design on Continental Viaduct.

Thank you for your continued coordination of this project and for your commitment to identifying and protecting Texas' irreplaceable historic and cultural resources. Please contact Linda Henderson with any questions about this project: 512/463-5851 or linda.henderson@thc.state.tx.us.

Sincerely,

Mark Wolfe

Mark Wolfe, State Historic Preservation Officer

MW/lch

Cc: Ann Spillman, Dallas County Historical Commission
Mark Doty, City of Dallas
Mario Sanchez, Texas Department of Transportation
David Preziosi, Preservation Dallas

Texas Department of Transportation®
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March 13, 2014

SECTION 106: DETERMINATION OF EFFECTS
Tarrant and Dallas Counties
CSJs# 0094-03-060; 0094-03-065; 0094-02-077; 0094-07-015; 0094-07-020
SH 183: from SH 360 to IH 35E

Ms. Linda Henderson
History Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Ms. Henderson:

In accordance with the Programmatic Agreement (PA) among TxDOT, FHWA, the Advisory Council on Historic Preservation and the THC, this letter *resumes* Section 106 consultation for the proposed undertaking. We hereby coordinate project effects on a property within the area of potential effects (APE) recently identified as **eligible** for listing in the National Register of Historic Places (NRHP).

PREVIOUS COORDINATIONS:

The federally funded undertaking will reconstruct and improve a 14-mile segment of SH 183 through portions of the cities of Fort Worth, Euless, Irving, and Dallas in Tarrant and Dallas Counties, Texas. SH 183 is a six-lane divided freeway with two-lane frontage roads on either side. The ultimate project will widen the highway to include ten general purpose main lanes, three- to four-lane frontage roads with five-foot sidewalks, and a six-lane concurrent flow managed high occupancy vehicle (HOV) facility where eastbound lanes will be elevated above all other proposed lanes. The project will be executed with the purchase of additional right-of-way (ROW).

The project was originally coordinated with your office in a letter dated July 11, 2003 with a determination by TxDOT historians that none of the 106 properties surveyed in the 150 ft. area of potential effects (APE) were eligible to the NRHP. A stamped THC concurrence is dated July 17, 2003. The project received a Finding of No Significant Impact from the Federal Highway Administration in February 2004.

As a result of design changes, the project was re-coordinated with your office in a TxDOT letter dated August 12, 2005, which identified an additional 26 historic-age properties as not eligible to the NRHP. Your agency concurred with those findings on August 29, 2005. In 2010, the project was re-evaluated with a TxDOT-ENV finding that all historic-age properties in the APE were included in previous coordinations, thereby not requiring a new survey for standing historic properties.

CURRENT COORDINATION:

The purpose of this coordination is to request your agency's concurrence with a determination of effects for the Dallas Floodway and its engineered components, including levees (Northwest and East levees), overbank, and diversion channel of the Elm Fork of the Trinity River. New bridge structures will replace the current SH 183 bridges over the floodway and its levees.

In previous coordination with your agency in 2004, the Dallas floodway levees were determined not eligible to the NRHP given their multiple alterations and intrusions since their construction. As part of the Trinity Parkway Project, those levees were re-evaluated and identified as components of the 11-mile-long Dallas Floodway. As a result, the Dallas Floodway with its engineered features was determined **eligible** to the NRHP under Criterion A, Community Planning and Development, at the local level of significance, in an FHWA letter dated February 27, 2013. Your agency concurred with that determination in a letter dated March 26, 2013.

Following that eligibility determination, we are now resuming consultation with your agency to assess the effects of the proposed SH 183 bridges crossing the floodway over the diversion channel of the Elm Fork of the Trinity River. *Specifically, we limit consultation to the portion of the SH 183 project crossing the floodway extending from Grauwyler Road to Regal Row.*

SH 183 -- SCOPE OF WORK AT DALLAS FLOODWAY:

The following is a summary of anticipated modifications and mitigations to the Dallas Floodway and its levees from the proposed SH 183 bridges across the eligible resource:

Proposed Modifications directly adjacent to and within the Dallas Floodway:

- Construction of reinforced concrete drilled shafts to support bridge pier columns and overhead sign foundations for the proposed bridges;
- Construction of reinforced concrete drilled shafts to support relocated Oncor overhead electric transmission towers adjacent to the Northwest and East levees to provide horizontal and vertical clearances between proposed bridges and transmission lines;
- Realignment of existing levee maintenance roads under proposed bridges from levee top to landside toe to maintain 15-foot minimum vertical clearance and/or avoid substructures of proposed bridges;
- Construction of new levee top maintenance roads to connect to existing levee top maintenance roads that previously terminated due to lack of vertical clearance under existing structures;
- Construction of concrete riprap under proposed bridges for slope protection on levee slopes (riverside and landside);
- Relocation of billboards within floodway;
- Construction of temporary and permanent erosion control measures;
- Construction of hydraulic mitigation measures including an East levee slope adjustment to 4:1, an earthen berm parallel to the new bridge and overbank excavation under the bridge; and,
- Removal of existing bridge structures for SH 183 across the Dallas Floodway and subsequent restoration of the East levee template where the removal of the bridge structure results in localized gaps or swales.

Temporary Modifications that may be requested to facilitate construction within the Dallas Floodway:

- Construction of temporary earthen berms to support equipment for construction of drilled shafts on levee slopes;
- Construction of temporary earth crane pads for lifting bridge girders and related operations;
- Construction of temporary bridge(s) to facilitate maintenance of traffic through construction;
- Construction of temporary shoring towers for the SH 183 bridge construction;

- Construction of temporary bridge(s) over the Elm Fork Trinity River Channel for moving equipment within the floodway during construction of the proposed bridges; and,
- Construction of temporary access roads into the Dallas Floodway.

DETERMINATION OF EFFECTS:

The Criteria of Effect and the Criteria of Adverse Effect were applied to the Dallas Floodway, its levees, overbank and diversion channel in the area traversed by the proposed SH 183 bridges, and TxDOT determines that construction of these bridges would have **no adverse effect** to the Dallas Floodway.

Primarily, the Dallas Floodway was originally envisioned as a utilitarian flood control system. Secondarily, the floodway also was intended to be an integrated component of a broader community plan for the development of the City of Dallas. The original vision for the Dallas Floodway included construction of the necessary infrastructure to allow development outside of the levees, as well as recreational spaces, transportation facilities (including road and rail), and a civic center inside the levees. New construction of such facilities within the floodway would represent the realization of the original and continuing community planning for the area, and would not meaningfully contradict the resource's setting, location, design, feeling, and association under Criterion A.

While the floodway contributed to the City's development, it has undergone numerous alterations and modifications since the closing of its period of significance in 1959, impairing its integrity of materials and workmanship. As per THC's letter of December 30, 2011 in reference to the Trinity Parkway Project, infrastructure properties need only retain integrity of location, design, feeling, and association to be eligible under Criterion A, and modern intrusions to the resource setting are expected in an urban area.

Only a small portion of the floodway and its levees will be impacted by the construction of the SH 183 bridges, which would not substantially hinder the functionality of the floodway system. Given the scale of the floodway, construction of the bridge structures would not reduce the width of the floodway overbank and its ability to channelize flood waters.

Construction of reinforced concrete drilled shafts to support bridge pier columns on levee slopes will not impair the function of these earth-berm structures. No other eligible components of the floodway system, such as pump stations, sumps, sluices, or outlet gates, are located in the segment to be crossed by the SH 183 bridges.

The construction of a transportation facility within the floodway is in keeping with the original design of the floodway as an integrated multipurpose, floodwater conveyance, recreation, and transportation system. The floodway would retain its existing aspects of integrity of location, design, feeling, and association, and its historical significance. As such, the construction of the SH 183 bridges would have **no adverse effect** to the Dallas Floodway or to any of its components (see attached documentation).

SECTION 4(f) APPLICABILITY:

The proposed SH 183 bridges occur within the Dallas Floodway, an NRHP-eligible property. In accordance with the Supplemental Appropriations Act of 2010 (Public Law No. 111-212), Section 405(b), FHWA is exempt from the requirements of Section 4(f) of the US Department of Transportation Act of 1966 for any highway project to be constructed "in the vicinity" of the Dallas Floodway. FHWA determined on January 23, 2012 that the exemption from the requirements of Section 4(f) established in Public Law No. 111-212 apply to all historic resources within the floodplain within the Trinity Parkway Project APE, which also includes the area where the SH 183 bridges will be located.

In an e-mail dated March 7, 2014, FHWA's Texas Division confirmed that Public Law No. 111-112 also applied to the SH 183 project regarding impacts to resources in the vicinity of the Dallas Floodway, thereby meeting the exemption for Section 4(f) requirements. Prior to Congressional approval of that law, a Programmatic Section 4(f) Evaluation was completed for the 1.02 acres of ROW acquisition from the Elm Fork Greenbelt at the SH 183 crossing of the river. That evaluation was included in the 2004 EA-FONSI approval, and as stated in FHWA's recent e-mail, "it remains valid."

CONCLUSION:

The construction of the SH 183 bridges would not result in an adverse effect to the functionality; to the aspects of integrity of location, design, feeling, and association; and to the historical significance of the Dallas Floodway. Based on the significance of the resource, its intended function, its current integrity, and recent projects that have undergone review by THC for effect to historic resources, TxDOT determines that the bridge portion of the SH 183 project would result in **no adverse effect** to the Dallas Floodway.

We request your written concurrence with this determination of effects within 20 days of receiving this letter. If you need further information, feel free to call me at 416-2770.

Sincerely,

Mario L. Sánchez, Ph.D., R.A.
Historical Architect
Environmental Affairs Division

Attachments

CONCUR
NO ADVERSE EFFECT: DALLAS FLOODWAY
SH 183 Improvements Project
CSJ: 0094-03-060, 0094-03-065 etc.

NAME: _____ **DATE:** 21 March 2014
for: Mark Wolfe
State Historic Preservation Officer

ecc. David Preziosi, Preservation Dallas
Mark Doty, Dallas CLG
Don Baynham, Dallas County Historical Commission