



**US Army Corps  
of Engineers** ®  
Fort Worth District

# Public Notice

Subject: Announce a proposed adverse effect to  
historic properties associated with the removal of the  
Bluff Dale Suspension Bridge  
Date: August 24, 2020

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SUBJECT: The U.S. Army Corps of Engineers, Fort Worth District (USACE) Regulatory Division is issuing this Public Notice to announce a proposed adverse effect to historic properties for USACE project number SWF-2020-00167, Bluff Dale Suspension Bridge. Erath County proposes to remove the National Register of Historic Properties (NRHP) listed Bluff Dale Suspension Bridge (Bridge). The removal of the NRHP listed Bridge would result in the discharge of dredged or fill material into waters of the United States which requires authorization under Section 404 of the Clean Water Act.

USACE is identifying organizations and individuals who may have an interest in the project and its proposed effect on the bridge. The enclosed adverse effect determination letter and draft Memorandum of Agreement for treatment of adverse effects to the NRHP listed Bridge are being provided for potential Consulting Parties in the Section 106 process. Your views will be actively sought and considered during the process.

If you have questions or interest to participate as a Consulting Party in the Section 106 process for this project please contact Jimmy Barrera at (817) 886.1838 or [james.e.barrera@usace.army.mil](mailto:james.e.barrera@usace.army.mil).



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

August 20, 2020

Regulatory Division

Subject: Project Number: SWF-2020-00167, Bluff Dale Suspension Bridge

Mr. Mark Wolfe  
State Historic Preservation Officer  
Texas Historical Commission  
Post Office Box 12276  
Austin, Texas 78711  
[mark.wolfe@thc.texas.gov](mailto:mark.wolfe@thc.texas.gov)

Dear Mr. Wolfe:

This letter addresses cultural resource concerns with Section 404 of the Clean Water Act for a permit application associated with a proposal by Erath County (Applicant) to demolish the Bluff Dale Suspension Bridge located in Bluff Dale, Erath County, Texas (Project). This project has been assigned number SWF-2020-00167. Please include this number in all future correspondence concerning this project. The U.S. Army Corps of Engineers, Fort Worth District (USACE) reviewed the Project in accordance with 33 CFR 325, Appendix C (Processing Department of Army Permits: Procedures for the Protection of Historic Properties; Final Rule 1990; with current Interim Guidance documents dated April 25, 2005 and January 31, 2007) and 36 CFR 800 to ensure compliance with Section 106 of the National Historic Preservation Act.

On July 29, 2020, the USACE received documents from the Applicant including avoidance and minimization alternative considerations, along with the Applicant's proposed Project. In this letter USACE is providing an effects determination for the proposed activity to the National Register of Historic Places (NRHP) listed property, the Bluff Dale Suspension Bridge.

The Bluff Dale Suspension Bridge (Bridge) was built in 1890 where today's US Highway 377 crosses the Paluxy River. The Bridge was relocated in 1934 one and a half miles upstream to Berry's Creek Road (County Road 149), a less traveled country road when the expanded highway required a larger bridge. The Bridge was in use until the 1990s and was repurposed to non-vehicular traffic only, when a concrete replacement bridge was constructed parallel to the Bridge. It is the oldest cable-stayed bridge in Texas and one of a few remaining in the United States.

The Bridge is in very poor condition. Scour from the Paluxy has undermined the foundations of the Bridge and along with other factors have led to the current poor condition. Two separate engineering reports have been conducted and Erath County has incorporated the recommendations into a plan of action.

Erath County proposes the following measures that will require a permit from the USACE:

Stage 1: (3-4 month timeframe)

- Redirect the water flow of the Paluxy River to delay the loss of structural integrity from scour to the Bridge's foundations.

Stage 2: (24+ month timeframe)

- Disassemble the Bridge and store offsite for eventual sale and relocation. The extended timeframe allows the county to generate funding to cover the costs.

USACE must conclude the Section 106 process before issuance of a permit for the proposed Project. The proposed activity in waters and associated uplands requiring a USACE permit are the undertaking under Section 106 of the National Historic Preservation Act.

The Area of Potential Effect (APE) of the undertaking is the project area including all temporary and permanent workspaces required for the redirection of the Paluxy and the disassembly of the bridge structure. The only known historic property within the APE is the nationally significant Bluff Dale Suspension Bridge, listed on the NRHP in 1977.

As the Project is proposed, the disassembly, storage and relocation of the bridge will result in a complete loss of integrity of location and setting, with a diminishment of its integrity of feeling and association. USACE has determined the undertaking to be an **adverse effect** as defined by 36 CF Part 800.5 (1). In a letter dated August 10, 2020 the Texas Historical Commission (THC) commented that the Project is an adverse effect to a historic property (enclosed).

The county is proposing two actions to minimize effects to the structure prior to disassembly:

- Remove the non-historic heavy steel plate decking added in the 1990s which endangers the Bridge's structural integrity.
- Secure the site with fencing and signage to deter trespassing and vandalism.

USACE will invite consulting parties to seek ways to avoid, minimize or mitigate adverse effects as the result of this undertaking. Thank you for providing a list of suggested consulting parties in the THC's August 10, 2020 letter. USACE plans to involve the public including a public notice on the Fort Worth District website that will solicit feedback to be shared with the consulting parties. Enclosed is a draft Memorandum of Agreement that provides a framework for consultation with your office and stakeholders to develop stipulations that will minimize or mitigate the adverse effect.

Please direct any questions you may have about this determination to Mr. Jimmy Barrera at (817) 886-1838 or [james.e.barrera@usace.army.mil](mailto:james.e.barrera@usace.army.mil).

Sincerely,

**ORIGINAL SIGNED**

For: Brandon W. Mobley  
Chief, Regulatory Division

Enclosures

Copy Furnished:

Dr. John Eddins  
Advisory Council on Historic Preservation  
[e106@achp.gov](mailto:e106@achp.gov)

Ms. Lisa Pence  
Erath County  
[coattorney@co.erath.tx.us](mailto:coattorney@co.erath.tx.us)

Ms. Lydia Woods-Boone  
Texas Historical Commission  
[Lydia.Woods@thc.texas.gov](mailto:Lydia.Woods@thc.texas.gov)

Mr. Alex Toprac  
Texas Historical Commission  
[Alex.Toprac@thc.texas.gov](mailto:Alex.Toprac@thc.texas.gov)

**From:** [noreply@thc.state.tx.us](mailto:noreply@thc.state.tx.us)  
**To:** [Barrera, James E CIV USARMY CESWF \(USA\); reviews@thc.state.tx.us; Barrera, James E CIV USARMY CESWF \(USA\)](mailto:Barrera, James E CIV USARMY CESWF (USA); reviews@thc.state.tx.us; Barrera, James E CIV USARMY CESWF (USA))  
**Subject:** [Non-DoD Source] Section 106 Submission  
**Date:** Monday, August 10, 2020 11:40:23 AM

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<Blocked<https://xapps.thc.state.tx.us/106Review/Images/THCtrans.png>>

Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas  
THC Tracking #202016162  
Bluff Dale Suspension Bridge (Demolition of Suspension Bridge)  
Bluff Dale, Erath County  
Stephenville, TX

Dear James (Jimmy) E. Barrera:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas.

The review staff, led by Rebecca Shelton, Justin Kockritz and Alex Toprac, has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- Property/properties are eligible for listing or already listed in the National Register of Historic Places.
- Adverse effects on historic properties.

We have the following comments: The Texas Historical Commission Division of Architecture staff has determined the proposed removal of the Bluff Dale Suspension Bridge at the Paluxy River will have an adverse effect on this historic resource. If Erath County, as the applicant, chooses to continue pursuing the proposed USACE permitted undertaking, please follow the procedures set forth under 36 CFR Part 800. As part of the Section 106 process, the regulations require further consultation with the Texas Historical Commission as the State Historic Preservation Office (SHPO) along with any identified stakeholders and consulting parties to resolve the adverse effect to the historic Bluff Dale Suspension Bridge through the development of a Memorandum of Agreement (MOA). The Texas Historical Commission recommends that the USACE invite the Historic Bridge Foundation, Preservation Texas, the City of Glen Rose Preservation Board, and Erath County Historical Commission to be included as consulting parties for this undertaking, and supports any public involvement efforts moving forward. The aforementioned MOA will document the agreed upon mitigation for the adverse effect to the historic property, as developed in coordination with the consulting parties. No additional archeological investigations are required in the direct APE at this time, however the MOA should include an inadvertent discovery plan. The USACE must also notify the Advisory Council on Historic Preservation to determine if they will participate in consultation, as provided by the aforementioned statutory regulations.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: [rebecca.shelton@thc.texas.gov](mailto:rebecca.shelton@thc.texas.gov), [justin.kockritz@thc.texas.gov](mailto:justin.kockritz@thc.texas.gov), [alex.toprac@thc.texas.gov](mailto:alex.toprac@thc.texas.gov).

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic

**MEMORANDUM OF AGREEMENT**  
**AMONG**  
**THE UNITED STATES ARMY, CORPS OF ENGINEERS, FORT WORTH DISTRICT,**  
**THE TEXAS STATE HISTORIC PRESERVATION OFFICER,**  
**ERATH COUNTY,**  
**REGARDING THE BLUFF DALE SUSPENSION BRIDGE**  
**LOCATED IN THE TOWN OF BLUFF DALE, ERATH COUNTY, TEXAS**

**Permit Number: SWF-2020-00167**

**WHEREAS**, the United States Army Corps of Engineers, Fort Worth District (USACE), the lead Federal agency, is reviewing a permit application under Section 404 of the Clean Water Act to authorize dredge and fill activities for removal of the Bluff Dale Suspension Bridge (Bridge) by Erath County; and

**WHEREAS**, Erath County proposes to remove the Bridge (Project) from the site located in Bluff Dale, Erath County, Texas (see attached map); and

**WHEREAS**, the Project requires a USACE permit in compliance with Section 404 of the Clean Water Act; and

**WHEREAS**, the activity requiring a USACE permit pursuant to Section 404 of the Clean Water Act constitutes an undertaking (Undertaking) under Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended); and

**WHEREAS**, the USACE, in consultation with the Texas State Historic Preservation Officer (SHPO), considered the potential effects of the Project as provided in 33 CFR 325, Appendix C and 36 CFR 800 and established an Area of Potential Effects (APE) for direct effects to include the Bridge, associated temporary and permanent workspace, and impacts to waters of the U.S.; and

**WHEREAS**, Erath County has completed an engineer evaluation letter report titled *Bluff Dale Suspension Bridge*, dated April 7, 2020, which recommended the complete removal the Bridge; and,

**WHEREAS**, the Bridge is a historic property listed on the National Register of Historic Places (NRHP); and,

**WHEREAS**, the USACE and the SHPO have concurred that the proposed Project effects to Bridge as a result of the Undertaking is an adverse effect, and the USACE consulted with the Advisory Council on Historic Preservation (ACHP) regarding this adverse effect; and,

**WHEREAS**, USACE and the SHPO invited Erath County to participate in the consultation and to join this Memorandum of Agreements (MOA) as an Invited Signatory; and

**WHEREAS**, the USACE has consulted with the Historic Bridge Foundation, Erath County Historical Commission, Preservation Texas, and the City of Glen Rose Preservation Board, and invited them to sign this MOA as concurring parties; and

response, and generate reports on your submissions. For more information, visit [Blockedhttp://thc.texas.gov/etrac-system](http://thc.texas.gov/etrac-system).

Sincerely,

<[Blockedhttp://www.thc.texas.gov/public/upload/images/reviewerSignatures/97.png](http://www.thc.texas.gov/public/upload/images/reviewerSignatures/97.png)>

for Mark Wolfe, State Historic Preservation Officer  
Executive Director, Texas Historical Commission

Please do not respond to this email.

cc: [james.e.barrera@usace.army.mil](mailto:james.e.barrera@usace.army.mil)

**WHEREAS**, USACE, in accordance with 33 CFR 325, Appendix C(2) and 36 CFR 800.2(c), the USACE has identified consulting parties, sought their views on the proposed effects to the Bridge, and provided them with documentation of the adverse effects and the proposed mitigation measures (as well as the public outreach component), including review of this Memorandum of Agreement; and

**WHEREAS**, USACE, in accordance with 33 CFR 325, Appendix C(7)(d) and 36 CFR 800.6(a)(1), notified the ACHP of its adverse effect determination with specified documentation, and the ACHP chose not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and,

**WHEREAS**, the USACE, the SHPO, and Erath County agreed to accomplish compliance with Section 106 through the development and execution of this MOA, and to ensure that Erath County provides mitigation for the adverse effects to the Bridge as outlined in the stipulations of this MOA, and this MOA will be a permit condition for any USACE permit issued for the Project; and

**NOW, THEREFORE**; the USACE, the SHPO, and Erath County agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the adverse effect of the Project on the Bridge to satisfy the USACE's Section 106 responsibilities for this Project.

## **STIPULATIONS**

The USACE will ensure that the following stipulations are carried out by Erath County to minimize and mitigate adverse effects to the Bridge resultant from the Undertaking.

### **I. RESOLUTION OF ADVERSE EFFECT**

#### **TO BE DETERMINED IN CONSULTATION**

##### **A. Minimization**

- a. Discussion of removing non-historic metal plating
- b. Discussion of stabilization efforts to reduce scour of foundations by rerouting the river
- c. Other potential actions

##### **B. Mitigation**

- a. Discussion dismantling process/procedures
- b. Discussion of storage
- c. Discussion of sale/reuse provisions

### **II. CURATION AND DISPOSITION OF MATERIALS, RECORDS AND REPORTS**

- A. *Curation*. Erath County shall ensure that materials and associated records as required for mitigation in this MOA, are accessioned into a curatorial facility that has been certified, or granted provisional status, by the SHPO in accordance with Chapter 29.6 of the Texas Historical Commission rules (Rules of Management and Care of Artifacts and Collections).



- B. *Reports.* Erath County shall provide copies of final documentation as required for mitigation to the signatories and consulting parties. The signatories and consulting parties shall withhold from the public all site location information and other data that may be of a confidential or sensitive nature pursuant to 36 CFR 800.11(c).

### **III. PROFESSIONAL QUALIFICATIONS**

All historic preservation-related investigations and mitigation requirements specified in this Agreement shall be carried out by personnel meeting the pertinent professional qualifications of the Secretary of the Interior's *Professional Qualification Standards* (36 CFR Part 61) in historic architecture.

### **IV. DISPUTE RESOLUTION**

Should any Signatory to this MOA object within thirty (30) calendar days upon receipt of any plans or other documents, pursuant to this MOA, provided by USACE, the SHPO, Erath County, or others for review, or object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the objector is encouraged to consult the other signatories in resolving the objection. If the USACE determines that such objection cannot be resolved, USACE shall perform the following tasks.

- A. **CONSULT ACHP.** Forward all documentation relevant to the dispute, including the USACE's proposed resolution, to the ACHP. The ACHP shall provide the USACE with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and shall provide them with a copy of this written response. The USACE will then proceed according to its final decision.
- B. **FINAL DECISION.** If the ACHP does not provide its advice regarding the dispute within the 30-day time period, the USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and shall provide the signatories, concurring parties, and the ACHP with a copy of such written response.
- C. The parties shall carry out all other actions subject to the terms of this MOA that are not the subject of the dispute.
- D. At any time during the implementation of the measures stipulated in this MOA is raised by interested persons, then USACE shall consider the objection and consult, as appropriate, with the objecting party and the consulting parties to attempt to resolve the objection.

### **V. DURATION, AMENDMENT, AND TERMINATION:**

- A. **DURATION.** Unless terminated or amended as outlined below, this Agreement shall remain in effect for a period of five (5) years from the date the MOA goes into effect and may be extended for a second 5-year term with the written consent of all the signatories.

- B. **AMENDMENT.** This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
- C. **TERMINATION.** Any Signatory to this agreement may terminate this MOA by providing thirty (30) calendar days written notice to the other Signatories, pursuant to 36 CFR 800.6(c)(8). During the period after notification and prior to termination, the Signatories shall consult to seek agreement on amendments or other actions that would avoid termination. Termination of this MOA will require compliance with 36 CFR 800. This MOA may be terminated by the execution of a subsequent MOA that explicitly terminates or supersedes its terms.

#### **VI. REPORTING AND MONITORING:**

Each year following the execution of the MOA until it expires or it is terminated, Erath County shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in Erath County's efforts to carry out the terms of the MOA.

#### **VII. EXECUTION:**

Signature of this Programmatic Agreement by the USACE, the SHPO, Erath County, and implementation of its terms evidence that the USACE has taken into account the effects of this Project on historic properties and afforded the ACHP an opportunity to comment. Pursuant to 36 CFR 800.6(b)(1)(iv) this Agreement will go into effect when a fully executed version is received by the ACHP.

**MEMORANDUM OF AGREEMENT**  
**AMONG**  
**THE UNITED STATES ARMY, CORPS OF ENGINEERS, FORT WORTH DISTRICT,**  
**THE TEXAS STATE HISTORIC PRESERVATION OFFICER,**  
**ERATH COUNTY,**  
**REGARDING THE BLUFF DALE SUSPENSION BRIDGE**  
**LOCATED IN THE TOWN OF BLUFF DALE, ERATH COUNTY, TEXAS**

Permit Number: SWF-2020-00167

**SIGNATORY:**

United States Army, Corps of Engineers, Fort Worth District

\_\_\_\_\_  
Brandon W. Mobley, Chief, Regulatory Division

Date \_\_\_\_\_

DRAFT

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Permit Number: SWF-2020-00167

**SIGNATORY:**

Texas State Historic Preservation Office

\_\_\_\_\_  
Mark Wolfe, State Historic Preservation Officer

Date \_\_\_\_\_

DRAFT

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**LOCATED IN THE TOWN OF BLUFF DALE, ERATH COUNTY, TEXAS**

Permit Number: SWF-2020-00167

**INVITED SIGNATORY:**

Erath County

\_\_\_\_\_  
Lisa Pence, County Attorney

Date \_\_\_\_\_

DRAFT

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Permit Number: SWF-2020-00167

**CONCURRING PARTY:**

\_\_\_\_\_

Date \_\_\_\_\_

DRAFT