



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

Public Notice

Subject: Announce a proposed adverse effect to
historic properties associated with the Naaman
School Road Improvements
Date: May 16, 2021

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-2021-00174, Naaman School Road Improvements. The City of Garland proposes to modify a National Register of Historic Properties (NRHP) eligible historic house (resource R-11). The modification of the NRHP eligible resource R-11 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 resource R-11. The enclosed adverse effect determination letter and draft Memorandum of Agreement for treatment of adverse effects to the NRHP eligible resource R-11 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.



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

May 16, 2022

Regulatory Division

SUBJECT: SWF-2021-00174, Naaman School Road Improvements

Mr. Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
Submitted via eTRAC

Dear Mr. Wolfe:

This letter addresses cultural resource concerns with the Section 404 of the Clean Water Act permit application associated with a proposal by the City of Garland (Applicant) to construct a roadway and associated facilities in Garland, Dallas County, Texas (Project). This project has been assigned number SWF-2021-00174. 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.

USACE must conclude the Section 106 process before a permit can be issued to the Applicant. 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 effects (APE) of the undertaking includes all temporary and permanent workspaces required for the roadway impacts at all waters of the U.S. surrounded by a 300-foot buffer for indirect effects.

On January 18, 2022, the USACE received a draft cultural resource report titled "*Cultural Resources Survey Naaman School Road Reconstruction Project*", by Integrated Environmental Solutions, LLC (IES). IES identified a series of above ground historic age resources in the direct and indirect APE for the Project. Within the APE IES found a Vernacular Queen Anne style house (resource R-11), originally constructed in the late 19th century. IES recommended R-11 as eligible for listing to the National Register of Historic Places (NRHP) and recommended that the Project will have a direct and indirect adverse effect upon R-11. In a letter dated February 17, 2022 the Texas Historical Commission (THC) commented that resource R-11 is eligible for the NRHP. USACE concurs with the THC and is providing a determination of **eligible** for listing in the NRHP for resource R-11 as defined by 33 CFR 325, Appendix C(6)(b) and 36 CFR 800.4(c)(2).

The only known historic property within the APE is resource R-11. As the Project is proposed, the construction of the proposed roadway inside and adjacent to resource R-11 would result in a loss of integrity, of location, and setting, with a diminishment of its integrity of feeling and association. In a letter dated February 17, 2022 the THC commented that the Project is an adverse effect to a historic property (enclosed). USACE has determined the undertaking to be an **adverse effect** as defined by 33 CFR 325, Appendix C(7)(d) and 36 CFR 800.5(1). USACE is also requiring that the Applicant address USACE's May 16, 2022 editorial comments on the v1 draft report through the submission of a revised draft report (sent via email).

USACE is inviting 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 to USACE via email. The USACE will post a public notice on the Fort Worth District website and solicit feedback to be shared with the consulting parties. Enclosed is a draft Memorandum of Agreement (MOA) that provides a framework for consultation with your office and stakeholders to develop stipulations that will minimize or mitigate the adverse effect. Please provide any comments on the draft MOA directly to USACE within 30 days from the date of this letter. And USACE is inviting the copied consulting parties to provide any comments on the enclosed draft MOA directly to USACE within 30 days from the date of this letter. If any consulting parties have interest in a consulting parties meeting to discuss the resolution of the adverse effect including the draft MOA please contact USACE.

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

Sincerely,

ORIGINAL SIGNED

Brandon W. Mobley
For: Chief, Regulatory Division

Enclosures (February 17, 2022 THC comment; draft MOA)

Copy Furnished via Email:

Dr. John Eddins
Advisory Council on Historic Preservation
e106@achp.gov

Ms. Rebecca Shelton
Texas Historical Commission
Rebecca.shelton@thc.texas.gov

Mr. Alex Toprac
Texas Historical Commission
Alex.Toprac@thc.texas.gov

Mr. Rick Galceran
City of Garland
rgalceran@garlandtx.gov

Ms. Belinda Gail Lynch
Owner of R-11
lynchbelinda@yahoo.com

Ms. Juanita Nanez
Dallas County Historical Commission
juanitananez@yahoo.com

Mr. Mick Hayslip
Garland Landmark Society
glsadmin@garlandhistorical.org

Barrera, James E CIV USARMY CESWF (USA)

From: noreply@thc.state.tx.us
Sent: Thursday, February 17, 2022 2:05 PM
To: CRM@intenvsol.com; reviews@thc.state.tx.us; Barrera, James E CIV USARMY CESWF (USA)
Subject: [URL Verdict: Unknown][Non-DoD Source] Section 106 Submission



Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas
THC Tracking #202205647

Date: 02/17/2022

Naaman School Road Reconstruction Project (Permit 9626)

Naaman School Road

Garland, TX 75040

Description: Cultural resources survey of 1.02 mi corridor along Naaman School Road. No archeological sites recorded. A total of 10 above-ground resources were identified within APE and indirect CRPA

Dear CRM@intenvsol.com:

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, Alex Toprac and Caitlin Brashear, 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.

Archeology Comments

- No historic properties affected. However, if cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.
- This draft report is acceptable. Please submit a final report: one restricted version with any site location information (if applicable), and one public version with all site location information redacted. To facilitate review and make project information and final reports available through the Texas Archeological Sites Atlas, we appreciate submitting abstracts online at <https://xapps.thc.state.tx.us/106Review/Abstract/Create> and e-mailing survey area shapefiles to archeological_projects@thc.texas.gov if this has not already occurred. Please note that these steps are required for projects conducted under a Texas Antiquities Permit.

We have the following comments: Regarding above-ground resources, the History Programs Division review staff, led by Caitlin Brashear, concurs that R-11, located at 3414 Naaman School Road, is Eligible for listing in the National Register of Historic Places (NRHP) under Criterion C in the area of Architecture. We also concur that the following resources are Not Eligible: R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9. The Texas Historical Commission Division of Architecture staff, led by

Alex Toprac, has completed their review of the submitted project documentation and has determined the proposed scope of work will have an adverse effect to the R-11 historic property at 3414 Naaman School Road in Garland, Texas, due to diminishment of the property's historic setting integrity with the removal of its historic set back by the proposed road widening. If the City of Garland chooses to continue pursuing the proposed United States Army Corps of Engineers (USACE) permitted project, please proceed to follow the procedures under 36CFR§800.6. This will require further consultation between the City of Garland, the Texas Historical Commission, as the State Historic Preservation Office (SHPO), the USACE Fort Worth District, and any identified stakeholder consulting parties as part of the Section 106 process to minimize and mitigate the adverse effect on the historic property through the development of a Memorandum of Agreement (MOA). The USACE Fort Worth District and City are also required to provide opportunity for public involvement. The City is required to provide our office documentation showing the consideration of avoidance alternatives and how such avoidance was found to be infeasible. The USACE must notify the Advisory Council on Historic Preservation of this adverse effect determination to allow their agency the opportunity to participate in the resolution of adverse effects consultation process, 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, alex.toprac@thc.texas.gov, caitlin.brashear@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 response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,



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</p