

US Coast Guard (USCG)

Attachments: [Neches River Navigation Design Criteria Draft July 13 2015.docx](#)
[ATT00001.htm](#)
[image001.jpg](#)

From: "Ogrydziak, Randal S CAPT" <Randal.S.Ogrydziak@uscg.mil>
To: "Gil Wilson" <Gil.Wilson@txdot.gov>
Subject: FW: Neches River Rail Bridge Project

Randal S. Ogrydziak Capt, USCG
Commanding Officer
USCG MSU Port Arthur
Office: 409-723-6513
24 Hr OPCEN: 409-723-6500
Cell: 409-719-1607

-----Original Message-----

From: Ogrydziak, Randal S CAPT
Sent: Monday, July 13, 2015 11:21 AM
To: Measells, Michael M CIV; Whalen, Scott K CIV; Frank, David M CIV
Cc: 'GilWilson@txdot.gov'
Subject: RE: Neches River Rail Bridge Project

All,

Mr. Frank - I believe the CG memo/reply should come from D8.

Mike and Scott - Please look over the enclosed document and provide your thoughts to Mr. Frank.

Randal S. Ogrydziak Capt, USCG
Commanding Officer
USCG MSU Port Arthur
Office: 409-723-6513
24 Hr OPCEN: 409-723-6500
Cell: 409-719-1607

-----Original Message-----

From: Gil Wilson [<mailto:Gil.Wilson@txdot.gov>]

Sent: Monday, July 13, 2015 11:06 AM

To: Ogrydziak, Randal S CAPT

Cc: Frank, David M CIV; michael.m.measels@uscg.mil; Quentin Huckaby; Matt Barkley; trmunson@transystems.com

Subject: Neches River Rail Bridge Project

Importance: High

Captain Ogrydziak:

The Port of Beaumont provided your contact information regarding this request. The Texas Department of Transportation is performing preliminary engineering and NEPA studies for an additional railroad crossing of the Neches River in the Beaumont area. The additional crossing would help alleviate significant freight congestion that occurs in the regional and national rail network due to the fact that there is only 1 rail crossing of the Neches at Beaumont, while there are multiple rail lines that "feed" into this crossing on both sides of the river.

We would like to get USCG review of the draft navigation design criteria (attached). It would help if we could have USCG input by July 27, 2015 so the consultant will have time to prepare and submit the 10% design for the four options being developed. If we do not get a formal response on the navigation design criteria from the USCG by then, the consultant will most likely proceed with the assumptions outlined in the document.

There has been some discussion regarding whether the new crossing should have similar design features as the existing crossing. The philosophy of matching the existing conditions (horizontal and vertical clearances) may result in a more costly option being developed than is necessary. Such costs could affect the ability to fund and implement a solution that provides additional freight railroad capacity.

Consequently it may be beneficial for the USCG to conduct a vessel survey in order to determine a practical vertical clearance adjacent to the KCS rail bridge based upon vessel use. This information may become critical at later stages when operational impacts are included with a cost-benefit analysis.

If you have any questions, feel free to contact me at the number below. We appreciate your assistance with this project.

Gil Wilson

Rail Programs Section Manager

TxDOT - Rail Division

125 East 11th St.

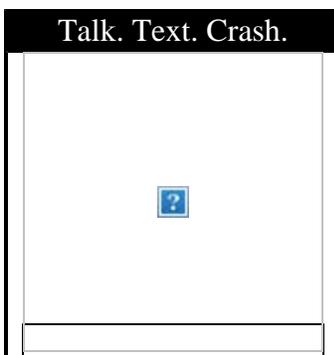
Austin, Texas 78701-2483

(512) 486-5103 (o)

(512) 658-2440 (c)

Talk. Text. Crash.

Talk. Text. Crash. <<http://www.txdot.gov/inside-txdot/division/traffic/safety/share-road/distracted.html>>



Texas Parks & Wildlife Department (TPWD)

From: Sue Reilly [mailto:Sue.Reilly@tpwd.texas.gov]
Sent: Tuesday, March 08, 2016 3:41 PM
To: John Young Jr <John.Young@txdot.gov>
Cc: Melissa Neeley <Melissa.Neeley@txdot.gov>; Barkley, Matt <MBarkley@mbakerintl.com>
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

John,

Please continue to work with us on mitigation opportunities for unavoidable impacts to habitat for this project.

Thank you for submitting the following project for early coordination: Neches River rail crossing (CSJ 7220-01-001). TPWD appreciates TxDOT's commitment to implement the practices listed in the Biological Evaluation Form submitted on 11/16/2015 and in subsequent emails. Based on a review of the documentation, the avoidance and mitigation efforts described, and provided that project plans do not change, TPWD considers coordination to be complete. However, please note it is the responsibility of the project proponent to comply with all federal, state, and local laws that protect plants, fish, and wildlife.

Thank you,

Sue Reilly
Transportation Assessment Liaison
TPWD Wildlife Division
512-389-8021

From: John Young Jr [mailto:John.Young@txdot.gov]
Sent: Tuesday, March 01, 2016 11:49 AM
To: Sue Reilly
Cc: Melissa Neeley; MBarkley@mbakerintl.com
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

Sue,

TxDOT's preference would be to close the TPWD coordination so that the project may continue to move forward in the NEPA process.

As stated previously mitigation will be proposed for habitat impacts it's just not certain how much and what it may look like at this point. We will keep TPWD's comments regarding mitigation in mind as project planning continues.

Thanks,

John

From: Sue Reilly [<mailto:Sue.Reilly@tpwd.texas.gov>]
Sent: Tuesday, March 01, 2016 10:43 AM
To: John Young Jr
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

John,

I've been discussing potential mitigation for this project and we do not have any TPWD properties in the area with projects ready to go. I can continue to investigate options for mitigation with federal or other public lands in the area. The City of Beaumont actually has some parks that may be appropriate.

Do you need clearance for NEPA for this project soon, or can I leave the coordination open?

Thanks,

Sue Reilly
Transportation Assessment Liaison
TPWD Wildlife Division
512-389-8021

From: John Young Jr [<mailto:John.Young@txdot.gov>]
Sent: Friday, January 29, 2016 3:21 PM
To: Sue Reilly
Cc: Melissa Neeley
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

Sue,

I spoke with the consulting group and this project is in its early stages and design plans are still in development with a source of funding yet to be identified. There are continuing discussions with the design team on the project and continuing discussions about the laydown area as well. Project impacts would be permitted through the USACE and an IP would be required; the amount of temporary versus permanent impacts is not certain at this time. We do know that the Port of Beaumont has development plans for the parcel of property that includes the proposed laydown area but we do not know when or exactly how much area would eventually be developed or when,

as the development depends on external factors like the price of oil and fluctuations in the energy markets.

TPWD

Because this project is early in the planning process, impacts to resources like the Chenier Plain: Mixed Live Oak Forest were conservatively estimated; we did not want to under represent the potential impacts of the proposed project on resources. I've inquired about minimizing impacts to this block of habitat and it is anticipated that actual impacts would likely to be less than what the technical report and EMST table indicated, although exactly how much less has yet to be determined because design plans are still under development. However the consultant is aware of TPWD's concern over this tract and the need to minimize and avoid impacts to the maximum extent practicable.

Mitigation would be proposed but what exactly how much and what that may look like at this point is not determined. And whether or not mitigation for the laydown area and specific habitats such as the Chenier Plain Mixed Live Oak Forest specifically would be proposed is also under consideration. I think this provides an opportunity for TPWD's comments on mitigation to be considered early and potentially influence mitigation actions.

If you have any additional questions, please feel contact me.

Sincerely,

John H. Young, PhD
Environmental Specialist
TxDOT – Environmental Affairs Division
125 E. 11th St.
Austin, Texas 78701
P: (512) 416-2554
F: (512)416-2680
John.young@txdot.gov

From: Sue Reilly [<mailto:Sue.Reilly@tpwd.texas.gov>]
Sent: Thursday, January 21, 2016 4:45 PM
To: John Young Jr
Cc: Melissa Neeley
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

John,

I do have some concerns about the laydown area. Will impacts be permitted through the Corps as permanent or temporary? Will mitigation be proposed?

The Chenier Plain: Mixed Live Oak forest appears to be quite nice habitat, and the proposed impacts would be to 23.22 acres in addition to 1.76 acres of Riparian habitat. Is there any possibility or proposal for non-regulatory mitigation for this habitat? There are numerous federal and state properties in the area, if it is a possibility I can look into specific opportunities.

Thank you,

Sue Reilly
Transportation Assessment Liaison
TPWD Wildlife Division
512-389-8021

From: John Young Jr [<mailto:John.Young@txdot.gov>]
Sent: Tuesday, January 05, 2016 2:15 PM
To: Sue Reilly
Cc: Melissa Neeley
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

Sue,

We have heard from the consultant in response to the questions you had regarding the Neches River Railroad Bridge. Please see the attached word document that contains the additional information in response to your questions.

Sincerely,

John H. Young, PhD
Environmental Specialist
TxDOT – Environmental Affairs Division
125 E. 11th St.
Austin, Texas 78701
P: (512) 416-2554
F: (512)416-2680
John.young@txdot.gov

From: Sue Reilly [<mailto:Sue.Reilly@tpwd.texas.gov>]

Sent: Tuesday, January 05, 2016 12:03 PM
To: John Young Jr
Cc: Melissa Neeley
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

OK, thanks for letting me know.

Sue

From: John Young Jr [<mailto:John.Young@txdot.gov>]
Sent: Tuesday, January 05, 2016 11:36 AM
To: Sue Reilly
Cc: Melissa Neeley
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

Sue,

Just to keep you informed I am still awaiting a response on some of your questions about the Neches River Railroad Bridge from the consultant.

John H. Young, PhD
Environmental Specialist
TxDOT – Environmental Affairs Division
125 E. 11th St.
Austin, Texas 78701
P: (512) 416-2554
F: (512)416-2680
John.young@txdot.gov

From: John Young Jr
Sent: Wednesday, December 09, 2015 11:54 AM
To: 'Sue Reilly'
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

Sue,

I will need to forward these questions to the rail division and await their answer. I haven't been to the site myself the consultant did the field verification so I will ask them to provide the EMST impacts.

Sorry I was out sick Monday and Tuesday or would have responded sooner.

John

From: Sue Reilly [<mailto:Sue.Reilly@tpwd.texas.gov>]
Sent: Friday, December 04, 2015 4:08 PM
To: John Young Jr
Subject: FW: 7220-01-001 - Neches River Railroad Bridge Crossing

Hi John,

I am reviewing the rail project in Beaumont and I have a couple of questions.

Can you tell me more about the laydown area? Will those impacts be temporary or permanent? Are they moving barges from that area? If so, can you tell me if there is a plan to minimize impacts to the shallow-water habitats at the edge of the river? Will there be planting or restoration of the vegetation?

Also, do you have a table of the EMST impacts? I saw that you guys went out there and field-verified them.

Thanks!

Sue

From: WHAB_TxDOT
Sent: Monday, November 16, 2015 4:21 PM
To: John Young Jr; WHAB_TxDOT
Cc: Sue Reilly
Subject: RE: 7220-01-001 - Neches River Railroad Bridge Crossing

Good afternoon,

The TPWD Wildlife Habitat Assessment Program has received your request for Early Coordination and has assigned it project ID #35771. The Habitat Assessment Biologist who will complete your project review is copied on this email.

Thank you,
Gloria Garza
Administrative Assistant
Texas Parks and Wildlife Dept
Wildlife Division - [Habitat Assessment Program](#)
4200 Smith School Rd
Austin, TX 78744

Office: (512) 389-4571
Fax: (512) 389-4599

gloria.garza@tpwd.texas.gov

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From: John Young Jr [<mailto:John.Young@txdot.gov>]
Sent: Monday, November 16, 2015 2:42 PM
To: WHAB_TxDOT
Subject: CSJ: 7220-01-001 - Neches River Railroad Bridge Crossing

Attached is an early coordination package for a railroad bridge over the Neches River in Beaumont between Jefferson and Orange Counties. Please contact me directly if you have any questions.

Sincerely,

John H. Young, PhD
Environmental Specialist
TxDOT – Environmental Affairs Division
125 E. 11th St.
Austin, Texas 78701
P: (512) 416-2554
F: (512)416-2680
John.young@txdot.gov

[Redacted signature]

National Marine Fisheries Service (NMFS)

From: John Young Jr
Sent: Tuesday, April 19, 2016 7:37 AM
To: Heather Young - NOAA Federal
Cc: Melissa Neeley
Subject: RE: FW: NMFS - Followup

Heather,

There are wetlands but no open water habitat aside from the edge of the Neches River itself.
Thank you for trying to clear this before leaving. And please, let me know if you need anything else.

John H. Young, PhD
Environmental Specialist
TxDOT – Environmental Affairs Division
125 E. 11th St.
Austin, Texas 78701
P: (512) 416-2554
F: (512)416-2680
John.young@txdot.gov

From: Heather Young - NOAA Federal [<mailto:heather.young@noaa.gov>]
Sent: Monday, April 18, 2016 4:14 PM
To: John Young Jr
Cc: Melissa Neeley
Subject: Re: FW: NMFS - Followup

Hi John and Melissa

I have reviewed this EFH assessment. I have a question. Does the proposed construction laydown area along the eastern Neches River shoreline (mentioned on page 3 of the assessment) contain any wetlands or open water habitat?

My last day with NMFS is 4/30 so I am trying to clear out pending assessments before I leave.

Thanks,
Heather Young

On Tue, Apr 5, 2016 at 12:05 PM, John Young Jr <John.Young@txdot.gov> wrote:
Mr. Swafford,

Texas Department of Transportation had submitted an EFH consultation request to Heather Young at NOAA Fisheries in January. There was some confusion on our part when we made the submission; I made the submission under FHWA when it should have been made under FRA. When I spoke with Heather last week she mentioned that she had not yet had time to review the project and also recommended a corrective course of action for our submittal. Heather recommended that TxDOT obtain a statement from FRA stating that it was okay for TxDOT to submit for EFH coordination and to send FRA's response to you and cc her. Please see Melissa Hatcher's response indicating that FRA was okay with TxDOT submitting the project for early coordination. I have also attached a revised version of the EFH Assessment for the Neches River Rail Bridge because designing has progressed to the 30% stage and we have revised potential impacts from our original submittal which was based on 10% design plans. If you have any questions, please contact me at [512-416-2554](tel:512-416-2554).

Sincerely,

John H. Young, PhD
Environmental Specialist
TxDOT – Environmental Affairs Division
125 E. 11th St.
Austin, Texas 78701
P: [\(512\) 416-2554](tel:512-416-2554)
F: [\(512\)416-2680](tel:512-416-2680)
John.young@txdot.gov

From: melissa.hatcher@dot.gov [mailto:melissa.hatcher@dot.gov]
Sent: Thursday, March 31, 2016 12:09 PM
To: John Young Jr; Melissa Neeley
Subject: RE: NMFS - Followup

John,

On behalf of FRA, please contact the National Marine Fisheries Service to commence informal consultation for Essential Fish Habitat on the Neches River Rail Bridge Project. FRA does not currently have a federal action under which to initiate formal consultation. The intent for FRA and TxDOT is to get input from NMFS on the report and any modifications that NMFS suggests prior to initiating formal consultation when FRA, or potentially the U.S. Coast Guard, have a federal action.

Thanks,
Melissa

Melissa Hatcher

Central Region Environmental Protection Specialist
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
[\(202\) 493-6075](tel:(202)493-6075)
Melissa.Hatcher@dot.gov

From: John Young Jr [<mailto:John.Young@txdot.gov>]
Sent: Tuesday, March 29, 2016 4:29 PM
To: Melissa Neeley
Cc: Hatcher, Melissa (FRA)
Subject: RE: NMFS - Followup

I followed up with Heather Young at NMFS NOAA Fisheries regarding the EFH Coordination for the Neches Rail Bridge. She had not yet had time to initiate review of the project. And she is going to be leaving NOAA Fisheries shortly and was not certain that she would be able to review the EFH Coordination package before leaving. She did recommend that TxDOT get FRA to state that it was okay for TxDOT to submit the project to NOAA Fisheries for early EFH Coordination and to then forward that email to Rusty Swafford at NMFS NOAA Fisheries and cc Heather just so the project doesn't slip through the cracks if she is unable to get it reviewed before she leaves.

--

Heather Young
NOAA National Marine Fisheries Service

Habitat Conservation Division, Southeast Region
4700 Avenue U
Galveston, TX 77551
Ph: (409)766-3699, Fax: (409) 766-3575
heather.young@noaa.gov
www.nmfs.noaa.gov

NMFS

From: Aaron Chastain - NOAA Affiliate [<mailto:aaron.chastain@noaa.gov>]
Sent: Wednesday, July 27, 2016 1:50 PM
To: John Young Jr
Subject: Neches River Railroad project

Howdy Mr. Young,

The NOAA's National Marine Fisheries Service Habitat Conservation Division (NMFS HCD) has reviewed the Essential Fish Habitat Assessment dated March 2016 for the Neches River Bridge study. We concur that any adverse effects that might occur to EFH would be minimal. Therefore, no further coordination with NMFS HCD will be needed on this project. Feel free to contact me with any project coordination in the future. Thanks!

Aaron

On Wed, Jul 27, 2016 at 11:17 AM, John Young Jr <John.Young@txdot.gov> wrote:

Thank you Aaron for the update. I am sending the file for the revised wetland report for the Neches River Rail project via dropbox. Be forewarned it may go into your spam folder since the email will be from Dropbox. . I have also placed the revised EFH assessment report that we sent on April 7th for this project in Dropbox as well. If you don't receive notification today, please let me know and I will try again.

Sincerely,

John H. Young, PhD
Environmental Specialist
TxDOT – Environmental Affairs Division
125 E. 11th St.
Austin, Texas 78701
P: [\(512\) 416-2554](tel:(512)416-2554)
F: [\(512\)416-2680](tel:(512)416-2680)
John.young@txdot.gov

From: Aaron Chastain - NOAA Affiliate [mailto:aaron.chastain@noaa.gov]
Sent: Wednesday, July 27, 2016 9:07 AM
To: John Young Jr
Subject: Neches River Railroad bridge project

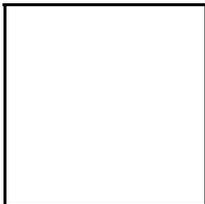
Howdy Mr. Young,

I am helping out with the EFH consultations here in the Galveston office now that Heather Young is no longer with NMFS HCD. Rusty forwarded me your message about the Neches River Railroad project and I saw that you mentioned a report in a Dropbox that you would like us to look over. Would you mind sending me that link and I will get back to you ASAP. Sorry for all the confusion as we are shuffling around people to try and handle this workload. Thanks!

Aaron

--

Aaron Chastain
Contractor, Jamison Professional Service, Inc.
NMFS Habitat Conservation Division
4700 Ave. U
Galveston, TX 77550
[409-766-3699](tel:409-766-3699)



--

Aaron Chastain
Contractor, Jamison Professional Service, Inc.

NMFS Habitat Conservation Division
4700 Ave. U
Galveston, TX 77550
409-766-3699



Section 106 Parties



Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

SCANNED by ECOS
4/29/16 LP

THC

April 28, 2016

Section 106 / Antiquities Code of Texas: Continuing Coordination
CSJ: 7220-01-001
Permit # 7494

RE: *Archeological Survey Report: Neches River Bridge from Archie Street to Old US 90, Jefferson and Orange Counties, Texas*, by Hicks & Company, February 23, 2016.

Pat Mercado-Allinger
Division of Archeology, Texas Historical Commission
P.O. Box 12276
Austin, TX 78711

Dear Ms. Mercado-Allinger,

This letter continues consultation on this project. In accordance with the Programmatic Agreement (PA) among the Advisory Council on Historic Preservation, the Federal Highway Administration (FHWA), the Texas State Historic Preservation Officer (SHPO), and the Texas Department of Transportation (TxDOT), as well as the Memorandum of Understanding (MOU) between TxDOT and Texas Historical Commission (THC), we hereby continue consultation under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas for the undertaking identified above.

Your office previously issued Texas Antiquities Permit No. 7494 to Hicks & Company to conduct an archeological intensive survey within the area of potential effects for the proposed construction of an additional rail bridge over the Neches River. The rail bridge would be located parallel to and north of the Kansas City-Southern Railway lift bridge in Jefferson and Orange Counties. Field investigations were completed by Hicks & Company on behalf of TxDOT in support of the transportation project in December 2015. Several areas of the APE were inaccessible due to flooding, while others could not be surveyed as the result of receiving several right-of-entry denials. In total, Hicks & Company surveyed 4.92 acres of the 18.04 acres requiring survey, recording no archeological sites.

Hicks & Company has recommended, and TxDOT has concurred, that no further work is warranted within the surveyed areas. In addition, Hicks & Company has recommended, and TxDOT has concurred, that prior to any ground disturbing activities, intensive archeological survey must be completed within the archeologically-sensitive areas that remain unsurveyed. At this time, the State requests that the attached Draft Archeological Survey Report be accepted as fulfilling Hicks & Company's obligations under State Antiquities Permit #7494. A new permit will be requested for completion of the work once a sponsor has been identified in the next phase of project development.

A copy of the Draft Archeological Survey Report is attached for your review, along with TxDOT's review comments on that report. We request your explicit concurrence on the following points:

- The Draft Archeological Survey Report meets THC/CTA reporting standards for survey-level investigations of the project's APE;

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Pat Mercado-Allinger

April 28, 2016

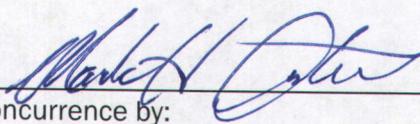
- Further investigation in those areas for which survey was completed is not warranted;
- TxDOT is required to complete survey-level investigations in archeologically-sensitive areas that were not surveyed by Hicks & Company due to right-of-entry denial and inaccessibility; and
- The report accurately identifies those portions of the project's APE that require further survey-level excavations, as well those where further work is not warranted.

We look forward to receipt of your comments on the draft document so that we may complete our obligations under the Antiquities Code. If you have any questions, please contact me at (713) 802-5804.

Sincerely,



Jason W. Barrett, Ph.D.
Archeological Studies Program
Environment Affairs Division


Concurrence by: _____

4-28-16
Date: _____

Attachments
cc w/o attachments: ECOS

**DRAFT REPORT
ACCEPTABLE**

by 
for Mark Wolfe
Executive Director, THC

Date 4-28-16

Track# _____



MEMO

March 3, 2016

To: 850 File, Various Road Projects, Various CSJs, Various Districts

From: Scott Pletka, Ph.D.

Subject: Internal review under the First Amended Programmatic Agreement Among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU), and internal review under the Memorandum of Understanding (MOU) Between the Texas Historical Commission and the Texas Department of Transportation

Listed below are the projects reviewed internally by qualified TxDOT archeologists from 2/25/16 to 3/3/16. The projects will have no effect on archeological historic properties. As provided under the PA-TU, consultation with the Texas State Historic Preservation Officer is not necessary for these undertakings. As provided under the MOU, the proposed projects do not require individual coordination with the Texas Historical Commission.

CSJ	DISTRICT	COUNTY	ROADWAY	DESCRIPTION	WORK PERFORMED
7220-01-001	Beaumont	Jefferson	Neches River RR Bridge	Construct rail bridge over Neches River	Intensive Survey
0902-90-001	Fort Worth	Tarrant	City of Fort Worth Trails	Transportation Enhancement	No Survey
0911-28-036	Lufkin	Houston	CR 1585	Bridge Replacement	No Survey
0911-39-051	Lufkin	Shelby	CR 4564	Bridge Replacement	No Survey
0342-04-032	Pharr	Cameron	SH 107	Road Widening	No Survey
0915-12-557	San Antonio	Bexar	Various	Sidewalks & Ped Improvements	No Survey
2879-01-010	Atlanta	Bowie	FM 1297	Widen Road for Left Turn Lane	No Survey

Signature  Date: 03 / 03 / 2016
 For TxDOT

cc: ECOS Data Entry; PD; ENV_ARC: PA File *Table Template for Weekly List Memo.doc*

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

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Archeology Survey Details

Right of Entry (ROE) Required: Yes

Acreage Surveyed:

Permit Number:

Work Status: Need Additional ROE/ROW Acquisition

Comments:

Parcels

Parcel ID:

ROE Received Date:

ROE Expiration Date:

ROE Requested Date:

Survey Required:

Survey Completed:

Collection:

Parcel Description:

Parcel ID	Roe Rec Dt	Roe Exp Dt	Roe Req Dt	Survey Required	Survey Completed	Collection	Parcel Desc	Actions
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Sites

Site Number: 41 - (Select a County) -

Site Eligibility:

4(f) Property:

Project Effect:

Site Description:

Site Number	Site Eligibility	4(f) Property	Project Effect	Site Description	Actions
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Last Updated By: Jason W Barrett Last Updated Date: 02/29/2016 02:29:23

Dear [Interested Party],

The Texas Department of Transportation (TxDOT) proposes to construct a second rail crossing of the Neches River Bridge in Beaumont, Jefferson and Orange Counties, Texas. The existing facility consists of a single-track, vertical-lift span railroad bridge over the Neches River and serves as the primary east-west rail corridor through the Beaumont area. The lift bridge is operated remotely by the Kansas City Southern (KCS) Railway, although operating rights are shared with three other companies, including: the Union Pacific Railroad (UPRR), the Burlington Northern and Santa Fe Railway Company (BNSF), and Amtrak. The bridge averages seven to eight lifts per week which result in train delays while ships navigate the river below.

The western terminus of the proposed build alternative is located approximately 170 feet north of the intersection of Archie Street and the existing KCS Railway line, and the eastern terminus is located at Old US 90 just west of Rose City. The planned bridge crossing would be constructed just north of the existing railroad bridge, which would remain in place under the build alternative.

Hicks & Company is operating as a subconsultant under contract with the TxDOT Rail Division to study the project's potential impacts to historic resources in compliance with Section 106 of the National Historic Preservation Act (Section 106). Section 106 requires TxDOT to identify historic resources affected by the proposed project and take into account project effects on those resources. Historic resources are defined as any property listed in or **eligible** for listing in the National Register of Historic Places either individually or as part of a historic district.

You have been identified as someone with interest in or knowledge of historic resources in Jefferson or Orange County. The purpose of this email is to solicit your comments on the project as it pertains to historic resources. The attached maps show the proposed project alignment and all previously identified historic resources in the project area. We will also conduct a survey of the area of potential effect to identify additional potentially eligible properties.

If you know of any historic resources in the area which are not identified on the attached map, or if you have any concerns or questions about the project as it relates to historic resources, please contact me at the email or phone number listed below.

Because we are required to contact interested parties, I will be following up with a phone call. If you have no concerns or do not wish to comment, please let me know by responding to this email. I appreciate your time and attention in this matter.

Sincerely,



RE: Opportunity to comment on historic resources in project area

Theresa Goodness <thegood@co.jefferson.tx.us>
To: Hannah Vaughan <hvaughan@hicksenv.com>
Cc: JeffCo Historical Commission <histcomm@co.jefferson.tx.us>

Fri, Nov 20, 2015 at 6:47 AM

Hannah Vaughn:

In reviewing the below proposal and the map which was attached, it does not appear the proposed project to build a second rail crossing would impact any known historic resources.

Thank you for the opportunity to comment, and don't hesitate to contact me again if necessary.

Sincerely,

Theresa Goodness, Chair

Jefferson County Historical Commission

1149 Pearl Street, Third Floor

Beaumont, TX 77701

409.835.8480

[Jefferson County Historical Commission website](#)

From: Hannah Vaughan [<mailto:hvaughan@hicksenv.com>]
Sent: Thursday, November 19, 2015 3:11 PM
To: thegood@co.jefferson.tx.us
Cc: Samantha Champion
Subject: Opportunity to comment on historic resources in project area

Dear Ms. Goodness,

Jefferson Co. Historical
Commission

The Texas Department of Transportation (TxDOT) proposes to construct a second rail crossing of the Neches River Bridge in Beaumont, Jefferson and Orange Counties, Texas (see project description below). Hicks & Company is operating as a subconsultant under contract with the TxDOT Rail Division to study the project's potential impacts to historic resources in compliance with Section 106 of the National Historic Preservation Act (Section 106). Section 106 requires TxDOT to identify historic resources affected by the proposed project and take into account project effects on those resources. Historic resources are defined as any property listed in or *eligible for listing* in the National Register of Historic Places either individually or as part of a historic district.

You have been identified as a person with interest in, or knowledge of, historic resources in the area. The purpose of this email is to solicit your comments on the project as it pertains to historic resources. The attached map shows the proposed project alignment and all previously identified historic resources in the project area. We will also conduct a survey of the area of potential effect to identify additional potentially eligible properties. Although the Neches River Rail Bridge is not labeled as a previously identified resources, we are aware that it historic-age and it be evaluated in our survey and report.

Project Description:

The existing facility consists of a single-track, vertical-lift span railroad bridge over the Neches River and serves as the primary east-west rail corridor through the Beaumont area. The lift bridge is operated remotely by the Kansas City Southern (KCS) Railway, although operating rights are shared with three other companies, including: the Union Pacific Railroad (UPRR), the Burlington Northern and Santa Fe Railway Company (BNSF), and Amtrak. The bridge averages seven to eight lifts per week which result in train delays while ships navigate the river below.

The western terminus of the proposed build alternative is located approximately 170 feet north of the intersection of Archie Street and the existing KCS Railway line, and the eastern terminus is located at Old US 90 just west of Rose City. The planned bridge crossing would be constructed just north of the existing railroad bridge, which would remain in place under the build alternative.

If you know of any historic resources in the area which are not identified on the attached map, or if you have any concerns or questions about the project as it relates to historic resources, please contact me at the email or phone number listed below.

Because we are required to contact interested parties, we will be following up with a phone call. If you have no concerns or do not wish to comment, please let me know by responding to this email. I appreciate your time and attention in this matter.

Sincerely,

Hannah Vaughan

Senior Architectural Historian

HICKS & COMPANY

Environmental, Archeological and Planning Consultants
1504 W. 5th Street | Austin, Texas 78703

512.478.0858 | fax 512.474.1849
hvaughan@hicksenv.com
www.hicksenv.com

Jefferson Co. Historical
Commission





rcvd 7/1/16
also submitted online

THC

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

July 27, 2016

**SECTION 106 REVIEW: DETERMINATION OF NRHP ELIGIBILITY AND NO ADVERSE EFFECT
SECTION 4(f) REVIEW: NOTIFICATION OF INTENT TO RENDER DE MINIMIS SECTION 4(F) FINDING**
Jefferson County /TxDOT Rail Division
CSJ#: 7220-01-001
Neches River Crossing Improvements

Ms. Linda Henderson
History Programs
Texas Historical Commission
Austin, Texas 78711

Dear Ms. Henderson:

Introduction

In accordance with 36 CFR 800, this letter initiates Section 106 consultation on the National Register of Historic Places (NRHP) eligibility of properties located within the project's area of potential effects (APE).

The Texas Department of Transportation - Rail Division in anticipation of Federal Railroad Administration (FRA) federal grant funding proposes to construct a new lift railroad bridge and approaches parallel and upriver of a NRHP eligible 1941 vertical lift railroad bridge. The rehabilitation of the historic bridge is not anticipated at this time as a part of this proposed project. Small amounts of new right of way (ROW) will be needed to complete the plans as they are currently at 30% final design.

Purpose and Need

The purpose of the proposed Neches River Bridge project is to:

- Improve rail operations through the Beaumont area by providing a second rail crossing of the Neches River. Improved rail operations would focus on maintaining existing rail mobility and continuity while providing new rail capacity to accommodate growth. Improved rail operations would increase overall freight and passenger rail capacity and efficiency and reduce rail and vehicular congestion by addressing vehicular mobility at railroad-highway grade crossings.
- Support and enhance industrial facilities utilizing rail, marine and highway services in the Beaumont region. Improving the movement and interface amongst rail, marine and vehicular modes would benefit the Beaumont region in terms of development and economic growth, which are top priorities for stakeholders and the public in the region.

Currently, there are a number of operational challenges in and around the Beaumont area, which include the existing single track Neches River crossing, the Port of Beaumont operations and infrastructure, and the balance of local versus through trains. Improvements to the Beaumont regional freight and passenger rail environment are needed because:

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- Existing rail operations through the Beaumont area are affected by track capacity, track switching, industrial service access, and bridge openings for marine vessel traffic.
 - The existing rail operations in the Beaumont area are estimated to operate at a delay ratio of 25 percent at an average speed of 15.0 mph (TxDOT, 2013).
 - The existing bridge is in the rail locked (closed) position until a navigation request is made to raise the lift bridge, generally to a requested vertical clearance. Information supplied by the USCG during TxDOT's *Feasibility Study* (2013) indicates approximately 400 lifts of the bridge per year in 2011. Data from Kansas City Southern Railway Company (KCS) in 2012 indicates seven lifts in a six-day period, which is consistent with the USCG's annual lift figures. While requests for bridge openings can occur at any time, most occur during daylight hours. The bridge results in some train delays. The delays are more pronounced when trains are traveling in the same direction across the bridge, as adjacent trains must be separated by two signals in order to prevent a train from stopping on the bridge. Typically, the bridge stays open to river traffic between 15 and 30 minutes. An average of 37 trains per day cross the Neches River Bridge according to owner/operator KCS.
- Future rail traffic across the Neches River is expected to increase with both through traffic along this national corridor as well as local rail traffic serving the region's existing and expanding industrial facilities.
 - Rail traffic throughout the region's network is forecast to increase in the next 20 years, from 287 trains per week to 584 trains per week. The Port of Beaumont's Master Plan calls for expanded industrial facilities in both Jefferson and Orange Counties where efficient rail and vehicular access is necessary to serve projected demand. Increased activities at private industrial facilities, including terminals along the Neches River, are also forecasted.
- Without improvements to the existing rail crossing of the Neches River at Beaumont, operations will deteriorate in the future with increased rail traffic.
 - With train volumes nearly doubling within the next 20 years, the delay ratio would increase to 94 percent which is more than double what it would be for a new crossing at the existing location (46 percent) and almost triple what it would be for a new crossing parallel to I-10 (35 percent); operating speeds are forecast to decrease systemically from 15.0 mph to 10.6 mph while delays would increase from 9.0 delay hours per day to 68.3 delay hours per day (TxDOT, 2013). When river traffic requires the lift bridge to be open, all rail traffic is delayed for a period of time. The return to normal operations can take several hours. With more rail traffic, the effects of a delay are magnified both in time of delay as well as physical impacts in storing the stopped train traffic. With increased train traffic, railroad-highway grade crossings will be blocked more frequently and likely for longer periods of time, resulting in increased vehicular delay with associated operating costs, adverse impacts to air quality, and potentially safety. The existing rail operations in the Beaumont area are estimated to operate at a delay ratio of 25 percent at an average speed of 15.0 mph (TxDOT, 2013).

Survey Methods

TxDOT is requesting your concurrence for using the same survey methods and Area of Potential Effects (APE) used for highway transportation projects under the Section 106 Programmatic Agreement (Section 106 PA) among the Texas Department of Transportation, Texas State Historic Preservation Officer, Advisory Council on Historic Preservation, and Federal Highway Administration; as FRA proposed projects are not included in the Section 106 PA. The 150 ft APE from the proposed

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new right-of-way chosen was due to small amounts of needed ROW (See exhibits 1a, 4 & 10, attached).

The survey methods used for the field survey (attached) are the review of the NRHP, the list of State Antiquities Landmarks (SAL), and the list of Recorded Texas Historic Landmarks (RTHL) that indicated one listed NRHP historic district with two contributing resources (resources 2 & 3) documented within the area of potential effects (APE):

- Beaumont Commercial Historic District (National Park Service map included)
 - Resource 2 located at 905 Orleans Street is a 1919 Two-part commercial block building
 - Resource 3 located at 967 Orleans Street is a circa 1961 mid-century modern one-part commercial block building

Determinations of NRHP Eligibility

Based on the Reconnaissance Level Historic Resources Survey Report (HRSR) and a site visit by a TxDOT historian for additional research & evaluation of historic age resources located within the APE, two properties located outside of the Beaumont Commercial District are determined eligible for listing to the NRHP:

- Resource 1 - a circa 1973 Beaumont Police Department located at 255 College on the southwest corner of College Street and Main Street. Eligible under C at the local level as a Brutalist style government building by a locally prominent architecture firm in the Beaumont area.
- Resource 10-a 1941 single-track vertical lift bridge with a single, movable, subdivided Warren through truss between two towers.

Inventory Table of Historic Properties

ID#	Address	Property Type/Subtype	Form/Plan Stylistic Influence	Date	Alterations/Comments	NRHP Eligible/Criteria	Effect
1	255 College	Government	Brutalist	C 1973	Skylight replacement	Eligible	No Adverse Effect
2	905 Orleans	Commercial	Two-Part Commercial Block	1919	No significant alterations	Contributing to listed district	No Adverse Effect
3	967 Orleans	Commercial	One-Part Commercial Block	C 1961	No significant alterations	Contributing to listed district	No Adverse Effect
10	@ Neches River	Bridge	Vertical Lift Warren Through Truss	1941	No significant alterations	Eligible	No Adverse Effect

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The remaining historic age resources were determined not eligible (Resources 4-9)

CHC Consultation

The Jefferson CHC was informed of the project and stated the proposed project to build a second rail crossing would not impact any known historic resources.

Determination of Effects:

Currently schematics are 30% of the final design due to lack of funding. However, due to the limitations of eliminating congestion at this particular crossing it is highly likely little would substantially change to the design. A majority of the needed ROW will occur at the Port of Beaumont:

- Direct effects:
 - Resource 1:- Beaumont Police Department- Construction activities are limited to a 0.05 acre portion of new ROW required from the rear corner of the 2.07 acre parcel and will not directly impact any buildings. TxDOT historians determine this to be a No Adverse Effect to the historic property.
 - Resources 2 and 3: There are no direct effects to contributing properties of the NRHP listed Beaumont Commercial historic district as a whole as there are no construction activities at this location.
 - Resource 10: There is no direct effect to the historic bridge as there are no construction activities currently scheduled in regards to rehabilitation of the historic bridge.
- Indirect effects:
 - Resource 1 Due to comments by local caretakers of the Beaumont Police Department (Resource 1) and Jefferson County Police Department (not of historic age or contributing to the Jefferson County Courthouse), a vibration analysis was conducted to evaluate for potential indirect effects to buildings from vibration. An Acoustic Scientist, using the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment Manual*, stated in a technical memo (attached) that damage thresholds that apply to fragile historic building are related to construction vibration from vibratory equipment such as pile drivers and other impact devices such as pavement breakers, creating seismic waves that radiate along the surface of the earth and downward into the earth. The technical memo stated that only the Jefferson County Jail (not of historic age and not contributing to the Jefferson County Courthouse) might receive impacts because it is only 28 feet from the proposed new railroad track.
 - Resources 2, 3 & 10-There are no indirect effects to historic properties. The listed and eligible properties will continue to convey their significance and integrity of setting, design, workmanship, and materials will not be affected.
- There are no reasonably foreseeable cumulative effects now or in the future given the railroad's current alignment into the historic downtown and the area's current modern development.

If there are any changes to the 30% design furnished at this time, Section 106 consultation would be reopened.

Conclusion

In accordance with 36 CFR 800, I hereby request your signed concurrence with these determinations of eligibility and no adverse effects to historic properties. We request your concurrence with this

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determination. Please return a signed copy of this correspondence for our files within 20 days (7-29-16). We additionally notify you that SHPO is the designated official with jurisdiction over Section 4(f) resources protected under the provisions of 23 CFR 774 and that your comments on our Section 106 findings will be integrated into decision-making regarding prudent and feasible alternatives for purposes of Section 4(f) evaluations.

As part of this coordination, TxDOT recommends that the proposed project meets the requirements for a Section 4(f) de minimis impact finding under 23 CFR 774. TxDOT bases its recommendations based on the fact that the use for Resource 1 amounts to 2.4% of its overall acreage and the project will have no adverse effect to the eligible property.

We look forward to further consultation with your staff and hope to maintain a partnership that will foster effective and responsible solutions for improving transportation, safety and mobility in the state of Texas. Thank you for your cooperation in this federal review process. If you have any questions or comments concerning these evaluations, please call me at (512) 416-2555.

Sincerely,

Carolyn A. Nelson, M.S.
Architectural Historian
Environmental Affairs Division

Cc: Rebekah Dobrasko, lead, Historical Studies, initial: RWD

CONCURRENCE WITH NON-ARCHEOLOGICAL SECTION 106 FINDINGS:

HISTORIC PROPERTIES PRESENT: BEAUMONT POLICE DEPARTMENT

NO ADVERSE EFFECT: BEAUMONT POLICE DEPARTMENT & CONTRIBUTING PROPERTIES OF BEAUMONT COMMERCIAL HISTORIC DISTRICT

NAME: [Signature] DATE: 14 July 2016
for Mark Wolfe, State Historic Preservation Officer

NO COMMENTS ON DETERMINATION OF DE MINIMIS IMPACT UNDER SECTION 4(F) REGULATIONS for BEAUMONT POLICE STATION

NAME: [Signature] DATE: 14 July 2016
for Mark Wolfe, State Historic Preservation Officer

Section 4(f)/6(f) and Chapter 26

April 25, 2016

Mr. Chris Fisher
Director and CEO
Port of Beaumont
P.O. Box 2297
Beaumont, Texas 77704

**RE: Request for Significance Determination and Request for Concurrence with De Minimis Impact Determination for Riverfront Park
Neches River Bridge, CSJ: 7220-01-001**

Dear Mr. Fisher:

On behalf of the Federal Railroad Administration (FRA), the Texas Department of Transportation (TxDOT) Rail Division is currently developing the Neches River Bridge project in Beaumont, Jefferson and Orange Counties, Texas. The proposed project would construct an additional rail bridge over the Neches River parallel to and north of the existing Kansas City-Southern (KCS) Railway lift bridge. The proposed project would also construct a second mainline track to allow for rail crossovers and realign industry connections in downtown Beaumont. The existing rail bridge would remain in place and operational if the proposed project were constructed.

An Environmental Assessment is currently being prepared for the proposed project and will fulfill the requirements under the National Environmental Policy Act (NEPA) of 1969 and Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. The impacts of the proposed project are also being evaluated pursuant to Section 4(f) of the Department of Transportation (DOT) Act of 1966, as amended (Title 49, U.S.C. 303 and Title 23 U.S.C. 138), which affords certain protections to public parks, historic sites, and wildlife refuges. This regulation directs DOT agencies to avoid the use of a Section 4(f) property unless there is no feasible or prudent alternative, or unless the impact to the resources is considered *de minimis* (i.e., an impact that does not adversely affect the features, attributes, or activities that qualify the resource for protection).

Determination of Significance

On February 19 and 24, 2016, coordination meetings were held with the Port of Beaumont, City of Beaumont, and TxDOT representatives to discuss the project, potential 4(f) properties within the project area, and the possible short- and long-term effects of the proposed improvements. After careful review and consultation with your agency, TxDOT has identified Riverfront Park (805 Main Street, Beaumont, Texas) as a property within the project area that would be subject to Section 4(f) protection (see Attachment A). As an official with jurisdiction for this property, we request an official designation from the Port of Beaumont for Riverfront Park. We ask that you review the regulatory definitions provided below and respond with an official agency designation as to whether or not this property has national, state, or local significance. The designation should clearly state if the park is "significant" or "not significant."

- Resources are afforded protection under Section 4(f) of the DOT Act when they meet the following criteria:
- The resource's primary purpose is a park, recreation area, or refuge.
- The resource is open to the general public at any time during normal operating hours. It does not apply to a resource for which visitation is permitted only to a select group or a resource that is not available to the entire public.
- The resource must be considered a significant resource by the official with jurisdiction, meaning when the resource is compared to other similar resources operated by the agency, that the resource in question plays "an important role" in meeting the objectives of the agency. Significance must apply to the entire property and not just a portion of the property.

Request for Concurrence with Impact Determination

Under the assumption that Riverfront Park is considered to be a significant resource by the officials with jurisdiction, this letter also requests your concurrence for a *de minimis* use finding for the Build Alternative of the proposed project. A review of the project impacts and proposed design plans show that the impacts to Riverfront Park would be minimal and would not alter or affect the use of the park. The Build Alternative would result in a direct impact to and permanent use of approximately 0.4 acres of the approximately 1.3-acre parking lot used by Riverfront Park patrons, representing approximately 35 percent of the total parking lot acreage and five percent of the total 7.4-acre Riverfront Park property.

In order to make the Section 4(f) *de minimis* finding, your written concurrence that this project would not adversely affect the activities, features, and attributes of Riverfront Park is necessary. To acknowledge that you have been notified of the intent to apply the Section 4(f) *de minimis* finding and indicate your agreement that the activities, features, and attributes of the park will not be adversely affected, concurrence in writing is required. A concurrence clause is included at the end of this letter and may be used for that purpose. If the Port of Beaumont objects, or if comments raise new concerns about the Section 4(f) use and *de minimis* impact determination, a formal Section 4(f) evaluation for the property may be required. Your prompt response is appreciated.

If you have any questions, please contact Gil Wilson, Rail Programs Section Manager, at (512) 486-5103 or by email at gil.wilson@txdot.gov to discuss further.

Sincerely,



Dan Harmon
Interim Rail Division Director

Attachment

cc: Chris Boone, City of Beaumont
Gil Wilson, Rail Division, TxDOT

April 25, 2016

Mr. Chris Boone
Community Development Director
City of Beaumont
P.O. Box 3827
Beaumont, Texas 77701

**RE: Request for Significance Determination and Request for Concurrence with De Minimis Impact Determination for Riverfront Park
Neches River Bridge, CSJ: 7220-01-001**

Dear Mr. Boone:

On behalf of the Federal Railroad Administration (FRA), the Texas Department of Transportation (TxDOT) Rail Division is currently developing the Neches River Bridge project in Beaumont, Jefferson and Orange Counties, Texas. The proposed project would construct an additional rail bridge over the Neches River parallel to and north of the existing Kansas City-Southern (KCS) Railway lift bridge. The proposed project would also construct a second mainline track to allow for rail crossovers and realign industry connections in downtown Beaumont. The existing rail bridge would remain in place and operational if the proposed project were constructed.

An Environmental Assessment is currently being prepared for the proposed project and will fulfill the requirements under the National Environmental Policy Act (NEPA) of 1969 and Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. The impacts of the proposed project are also being evaluated pursuant to Section 4(f) of the Department of Transportation (DOT) Act of 1966, as amended (Title 49, U.S.C. 303 and Title 23 U.S.C. 138), which affords certain protections to public parks, historic sites, and wildlife refuges. This regulation directs DOT agencies to avoid the use of a Section 4(f) property unless there is no feasible or prudent alternative, or unless the impact to the resources is considered *de minimis* (i.e., an impact that does not adversely affect the features, attributes, or activities that qualify the resource for protection).

Determination of Significance

On February 19 and 24, 2016, coordination meetings were held with the Port of Beaumont, City of Beaumont, and TxDOT representatives to discuss the project, potential 4(f) properties within the project area, and the possible short- and long-term effects of the proposed improvements. After careful review and consultation with your agency, TxDOT has identified Riverfront Park (805 Main Street, Beaumont, Texas) as a property within the project area that would be subject to Section 4(f) protection (see **Attachment A**). As an official with jurisdiction for this property, we request an official designation from the Port of Beaumont for Riverfront Park. We ask that you review the regulatory definitions provided below and respond with an official agency designation as to whether or not this property has national, state, or local significance. The designation should clearly state if the park is "significant" or "not significant."

- Resources are afforded protection under Section 4(f) of the DOT Act when they meet the following criteria:
- The resource's primary purpose is a park, recreation area, or refuge.
- The resource is open to the general public at any time during normal operating hours. It does not apply to a resource for which visitation is permitted only to a select group or a resource that is not available to the entire public.
- The resource must be considered a significant resource by the official with jurisdiction, meaning when the resource is compared to other similar resources operated by the agency, that the resource in question plays "an important role" in meeting the objectives of the agency. Significance must apply to the entire property and not just a portion of the property.

Request for Concurrence with Impact Determination

Under the assumption that Riverfront Park is considered to be a significant resource by the officials with jurisdiction, this letter also requests your concurrence for a *de minimis* use finding for the Build Alternative of the proposed project. A review of the project impacts and proposed design plans show that the impacts to Riverfront Park would be minimal and would not alter or affect the use of the park. The Build Alternative would result in a direct impact to and permanent use of approximately 0.4 acres of the approximately 1.3-acre parking lot used by Riverfront Park patrons, representing approximately 35 percent of the total parking lot acreage and five percent of the total 7.4-acre Riverfront Park property.

In order to make the Section 4(f) *de minimis* finding, your written concurrence that this project would not adversely affect the activities, features, and attributes of Riverfront Park is necessary. To acknowledge that you have been notified of the intent to apply the Section 4(f) *de minimis* finding and indicate your agreement that the activities, features, and attributes of the park will not be adversely affected, concurrence in writing is required. A concurrence clause is included at the end of this letter and may be used for that purpose. If the Port of Beaumont objects, or if comments raise new concerns about the Section 4(f) use and *de minimis* impact determination, a formal Section 4(f) evaluation for the property may be required. Your prompt response is appreciated.

If you have any questions, please contact Gil Wilson, Rail Programs Section Manager, at (512) 486-5103 or by email at gil.wilson@txdot.gov to discuss further.

Sincerely,



Dan Harmon
Interim Rail Division Director

Attachment

cc: Chris Fisher, Port of Beaumont
Gil Wilson, Rail Division, TxDOT



June 23, 2016

Mr. Dan Harmon
Interim Rail Division Director
TxDOT – Rail Division
125 East 11th St.
Austin, Texas 78701-2483

RE: Request for Significance Determination and Request for Concurrence with De Minimis Impact Determination for Riverfront Park
Neches River Bridge, CSJ: 7220-01-001

Dear Mr. Harmon:

Thank you for your recent letter concerning the proposed Neches River Bridge project in Beaumont. As discussed, Beaumont's Riverfront Park is considered a "significant" resource. However, after reviewing the designs for the proposed project, the City has determined that the project would have a minimal impact on the resource and would not alter or affect the use of the park. Accordingly, we have determined that the impact to the resource will be *de minimis* and as such should not preclude the use of this property for the project.

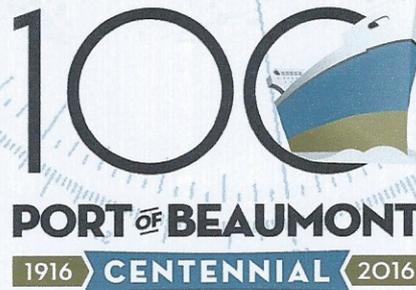
If you need any additional information, please contact me at (409)880-3100.

Sincerely,



Christopher S. Boone
Director of Planning & Community Development

Cc: Chris Fisher, Port of Beaumont
Gil Wilson, Rail Division, TxDOT



June 22, 2016

Mr. Dan Harmon
Interim Rail Division Director
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701

**SUBJ: Significance Determination and Response to De Minimis Impact Determination
Riverfront Park, Beaumont, TX
Neches River Bridge, CSJ: 7220-01-001**

Mr. Harmon,

The Port of Beaumont Navigation District of Jefferson County, Texas has been directly engaged in the discussion regarding the proposed project to construct an additional rail bridge over the Neches River, parallel to and north of the existing Kansas City-Southern (KCS) Railway lift bridge, located just north of the Port. We are aware that a second mainline track will allow for rail crossovers and will re-align the industry connections in downtown Beaumont; leaving the existing rail bridge in place and operational.

After our discussion with City of Beaumont representatives and TXDOT Rail Division members, we understand that Riverfront Park has been identified as a property that would be subject to protection under Section 4(f) of the 1966 Department of Transportation Act (as amended Title 49, USC 303 and Title 23 USC 138) but has also been identified by TXDOT Rail Division as potentially necessary for the rail bridge project, and that TXDOT is now requesting the Port of Beaumont render an official designation / response as related to national, state, or local "significance."

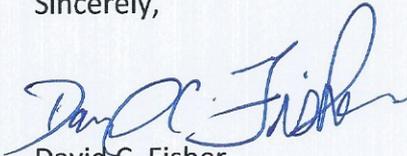
Per the regulatory definitions under Section 4(f) of the 1966 DOT Act, it is the Port's determination that Riverfront Park does meet the 4(f) standards of protection, but the Port is not in a position to determine the significance of the property to the owner – the City of Beaumont – and therefore defers to the City's determination and notes that input from the City is warranted.

Section 4(f) further states that the use of "protected properties" should be avoided, unless there is no alternative or the impacts are considered *de minimis* in that the impacts of the project do not adversely affect the features of the property. Upon review of the project impacts and proposed

design plans, the Port of Beaumont recognizes that impacts to Riverfront Park would use approximately 0.4 acres of the approximately 1.3-acre parking lot used by Riverfront Park patrons. Therefore, the Port of Beaumont does concur with TXDOT that the project impacts to Riverfront Park activities would be "de minimis."

Should there be a need for further input by the Port of Beaumont, please make the request without delay.

Sincerely,

A handwritten signature in blue ink that reads "David C. Fisher". The signature is fluid and cursive, with the first name being the most prominent.

David C. Fisher
Port Director & CEO

c: Chris Boone, City of Beaumont
Joseph Majdalani, City of Beaumont
Gil Wilson, Rail Division, TXDOT