Appendix B

Agency Coordination Letters

Texas Department of Transportation

P.O. BOX 1386 • HOUSTON, TEXAS 77251-1386 • (713) 802-5000

October 26, 2006

Galveston County
IH 45: FM 1764 to Galveston Causeway including the Texas City Wye
Controls 0500-04-103, 0500-04-104, 0500-04-105, 0500-01-107, 0500-04-112

CONTACT: DPD

Mr. Rusty Swafford
National Marine and Fisheries Service
Habitat Conservation Division, Building 306
4700 Avenue U
Galveston, Texas 77551-5997

Dear Mr. Swafford:

The Texas Department of Transportation (TxDOT) is proposing the widening of IH 45 from FM 1764 to the Galveston Causeway including direct connectors at the Texas City Wye.

Please see the attached report entitled Essential Fish Habitat (EFH) Consultation which includes photos, maps, and EFH mapping. In summary, the limited nature of the proposed construction establishes that there will be only minor adverse impacts to EFH, most of which will be temporary. Considering these impacts, TxDOT has made the determination of "no adverse effect" on the essential fish habitat in Galveston Bay where the proposed project is located.

Affixing your signature in the space provided below will provide your verification and concurrence with our determination of "no adverse effect" to essential fish habitat. Should you need any further information concerning this project, please contact Ms. Lisa Lathem at (713) 802-5252.

Sincerely,

Pat Henry, P.E.
Director of Project Development
Houston District

LL:aa
Attachments
cc: Ms. Lisa Lathem
Ms. Jenise Walton, ENV-Austin

_____ _____

National Marine and Fisheries Service Representative Date

46-572

CC: CRM 9-13-04 Craig R.

Texas Department of Transportation

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

30 August 2004

RECEIVED
SEP 08 2004
TEXAS HISTORICAL COMMISSION

SECTION 106: DETERMINATION OF NRHP ELIGIBILITY

HOU Galveston County
CSJ# 0500-01-107, 0500-04-103, 0500-04-104, 0500-04-105

RE: IH 45, Widen Freeway from FM 1764 to Galveston Causeway

Tx DOT RECEIVED
SEP 24 2004
HOUSTON MAIL OPERATIONS

Mr. Bob Brinkman
History Programs
Texas Historical Commission
Austin, Texas 78711

Dear Mr. Brinkman

The proposed project will be undertaken with Federal funding. In accordance with the Programmatic Agreement (PA) between TxDOT, FHWA, the Advisory Council on Historic Preservation, and the THC, this letter initiates Section 106 consultation for the proposed undertaking. This federally funded project proposes to widen IH 45 from its existing configuration of six main lanes and two frontage lanes to eight main lanes and two frontage-road lanes in each direction. Additional work includes the reconstruction of the IH 45/SH 146/SH 6 interchange. New right-of-way will be acquired. The Architectural Resources Survey with report, inventory, maps, and photographs is attached.

The survey identified and documented 51 properties within the 500-foot Area of Potential Effects (APE). We have determined that the 51 properties are **not eligible** for listing on the National Register of Historic Places (NRHP). Ten of the 51 properties include one bridge (Site 24), nine bridge-class culverts or drainage culverts (Sites 16, 19, 23, 25, 28, 30, 31, 32 and 37). The bridge was determined not eligible for the NRHP as per the Historic Bridge Inventory and the culverts were determined not eligible by applying the criteria of the Depression Era Inventory. Deterioration, alteration, and loss of integrity preclude eligibility for these modest resources. The properties are therefore **not eligible** for NRHP listing.

Two Texas Historical Markers were documented during the survey (Sites 21 and 22). They are not eligible for NRHP listing but will require coordination with the Galveston County Historical Commission and the Texas Historical Commission if relocation is required during construction. Coordination will follow as necessary.

We request your signed concurrence with this determination of eligibility within 30 days of receiving this letter. If you have any questions or comments about this project, please call me at 416-2619.

Sincerely,

Ralph Newlan
Architectural Historian
Environmental Affairs Division

SCANNED ON
SEP 27 2004
MAIL OPERATIONS HOUSTON

PROJECT
SEP 14 2004
MANAGEMENT

Attachments

DDP

RE: IH 45, Widen Freeway from FM 1764 to Galveston Causeway.....page two

CONCUR: DETERMINATION OF ELIGIBILITY

NAME: _____ DATE: 13 SEP 2004

for F. Lawerence Oaks, State Historic Preservation Officer

PBS&J

An employee-owned company

June 9, 2004

Ms. Alecya Gallaway
Galveston County Historical Commission
P.O Box 60
Bacliff, TX 77518

PN 460122.09

Dear Ms. Gallaway:

Re: IH 45/LP 197 Direct Connectors
Galveston County, Texas
CSJ: 0500-04-112

The Texas Department of Transportation (TxDOT) is proposing to construct new direct connectors from the Interstate Highway (IH) 45 southbound mainlanes to eastbound Loop (LP) 197 and from westbound LP 197 to the IH 45 northbound mainlanes. These improvements would require additional right-of-way up to 100 feet in LaMarque, Texas (Exhibits A and B).

On September 18, 2003, a records search was conducted at the Texas Archeological Research Library (TARL) to locate any sites within or near the project area that might be eligible for listing in the National Register of Historic Places (NRHP). The results of the records search did not disclose the presence of any eligible sites within the project area. Your knowledge concerning the location of any historically or archeologically significant properties within the project area, which might be eligible for inclusion in, or under nomination to, the NRHP will be appreciated. If the project area under consideration contains no historical or archaeological sites, your signature below will be sufficient verification.

If you should need further information concerning this project, please contact Ms. Heather Niles at (281) 493-5100.

Very truly yours,

PBS&J

Heather Niles

Heather Niles
Associate Project Manager

HN:ne
Enclosures

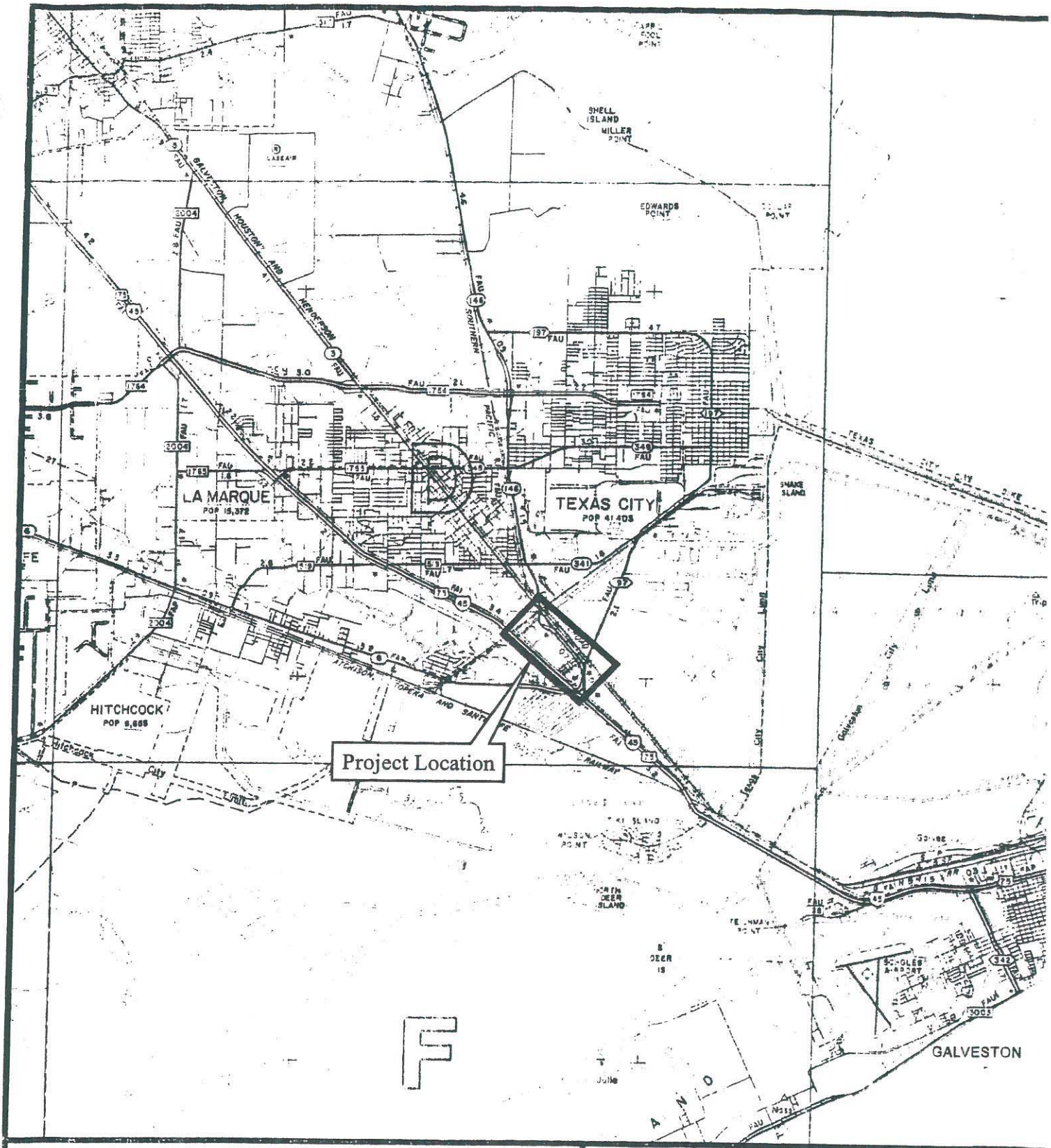
cc: Ms. Lisa Lathem, TxDOT

CONCURRENCE:

_____ _____

Galveston County Historical Commissioner Date

1880 S. Dairy Ashford St., Suite 300 • Houston, Texas 77077-4760 • Telephone: 281.493.5100 • Fax: 281.493.1047 • www.pbsj.com



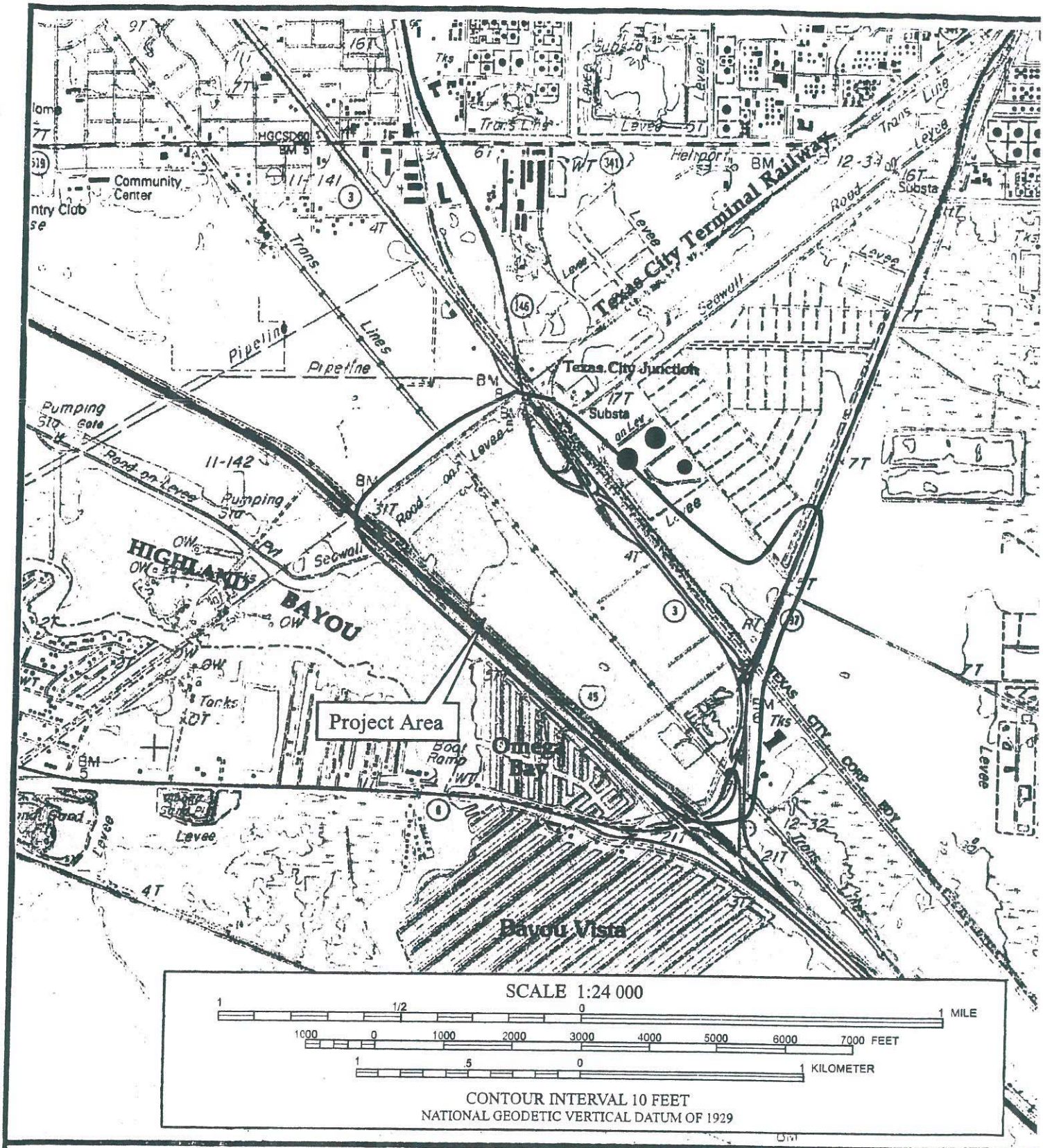
north

SCALE 1" = 2 miles

Texas Department of Transportation

Exhibit A

Project Location Map
LP 197 / IH 45 Direct Connectors
Galveston County, TX
CSJ 0500-04-112



Texas Department of Transportation

Exhibit B

Topographic Map
LP 197 / IH 45 Direct Connectors
Galveston County, TX
CSJ 0500-04-112

Source: Virginia Point Quadrangle USGS No. 29094-C8, 1994, Galveston County, Texas.

Job No.: 460122.09

ile: K:\460122.09\Figure 6 map.ai

Craig Rollins
Houston District

SCANNED
3/10/2005 EL

Texas Department of Transportation

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

March 4, 2005

Section 106/Antiquities Code of Texas: Archeological Review (ACT Permit #3458)
Cultural Resources Survey of Proposed Loop 197 Direct Connector Ramps (CSJ: 0500-04-112)
Houston District, Galveston County

Dr. James E. Bruseth
Department of Antiquities Protection
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

TxDOT RECEIVED MAR 14 2005 HOUSTON MAIL OPERATIONS

Dear Dr. Bruseth:

The proposed project will be undertaken with federal assistance. In accord with the Programmatic Agreement (PA) among TxDOT, Federal Highways Administration, the Advisory Council on Historic Preservation, and the Texas Historical Commission (THC), and the Memorandum of Understanding between TxDOT and the THC, we hereby continue Section 106 and Texas Antiquities Code consultation for the proposed undertaking.

The accompanying copy of the PBS&J draft report, *A Cultural Resource Survey of the Loop 197 Direct Connector Ramps at the Intersection with Interstate Highway 45, State Highway 146, and Loop 197, Galveston County, Texas*, is enclosed for your review. The proposed project would construct direct connectors between Loop 197, IH 45, and SH 146. An intensive survey over 18.2 acres within the APE of this proposed project was conducted by PBS&J in June and September 2004. The results of the survey revealed that no archeological sites were located within the APE of the proposed project. TxDOT concurs with the consultant's recommendations.

If you have no additional comments or corrections, TxDOT requests your concurrence that 1) the survey is adequate and complete, 2) the proposed project would have no effect on any historic properties, SAL or National Register properties, and 3) the proposed project be allowed to proceed with no further archeological work or coordination with your office needed. In the unlikely event of an accidental discovery of archeological deposits, work in the immediate area of discovery will cease, TxDOT archeologists will be contacted, and the accidental discovery procedures will be implemented as outlined in, and in accordance with, the provisions as stated in the PA between the Advisory Council, the Federal Highway Administration, TxDOT, and the THC and the MOU between TxDOT and the THC. If you agree that a finding of "no historic properties affected" is appropriate, please sign below to indicate your concurrence.

SCANNED ON MAR 14 2005 MAIL

We look forward to receiving your comments and appreciate your time. If you have any questions or have further need of information, please contact Allen Bettis of the TxDOT Archeological Studies Program at (512) 416-2747.

Sincerely,

Allen C. Bettis, Jr.
Archeological Studies Program
Environmental Affairs Division

Attachment
cc w/o attachments: Mr. John Fulmer – PBS&J (Houston)
Craig Rollins – Houston District JKW ACB

3-10-05

Concurrence by: Date:
for F. Lawerence Oaks, State Historic Preservation Officer

Document No. 040359
PBS&J Job No. 460122

A Cultural Resources Survey of the Loop 197 Direct Connector Ramps at the Intersection with Interstate Highway 45, State Highway 146, and Loop 197 Galveston County, Texas

Texas Antiquities Committee Permit No. 3458
CSJ No. 0500-04-112

Prepared for:

Texas Department of Transportation
7721 Washington
Houston, Texas 77251

DRAFT REPORT
ACCEPTABLE
Please submit 20 final report copies
by
for F. Lawrence Oaks
State Historic Preservation Officer
Date 3-10-05

Prepared by:

PBS&J
1880 S. Dairy Ashford Street
Suite 300
Houston, Texas 77077

Principal Investigator:
John Fulmer

Authors:
Shelley Jameson
Nancy Porter

February 2005

Printed on recycled paper

PBS&J

An employee-owned company

June 9, 2004

Mr. Carlos Mendoza
U.S. Fish and Wildlife Service
Ecological Services
17629 El Camino Real, Suite 211
Houston, TX 77058-3051

PN 460122.09

Dear Mr. Mendoza:

Re: IH 45/LP 197 Direct Connectors
Galveston County, Texas
CSJ: 0500-04-112

The Texas Department of Transportation (TxDOT) is proposing to construct new direct connectors from the Interstate Highway (IH) 45 southbound mainlanes to eastbound Loop (LP) 197 and from westbound LP 197 to the IH 45 northbound mainlanes. These improvements would require additional right-of-way up to 100 feet (ft) in Texas City, Texas (Exhibits A and B).

On September 17, 2003, PBS&J ecologists conducted a literature review of the Texas Parks and Wildlife Department's Biological Conservation Database (BCD) System to identify known occurrences of threatened/endangered species within the vicinity of the project area. Based on the BCD's review, there are no documented occurrences of federally threatened or endangered species within the project area or within 1,000 ft of the project area. Although there are no documented occurrences, several state listed species and nine federally endangered or threatened species have the potential to exist within Galveston County.

Wildlife Species	Common Name	Federal Status
Tympanchus cupido attwateri	Attwater's greater prairie-chicken	Endangered
Numenius boreals	Eskimo curlew	Endangered
Pelecanus occidentalis	brown pelican	Endangered
Chelonia mydas	green sea turtle	Threatened
Eretmochelys imbricata	Hawksbill sea turtle	Endangered
Lepidochelys kempii	Kemp's ridley sea turtle	Endangered
Dermochelys coriacea	leatherback sea turtle	Endangered
Caretta caretta	loggerhead sea turtle	Threatened
Charadrius melodus	piping plover	Threatened

Source: USFWS *County-by-County Listing: Listed/Candidate Species and Species of Concern Within Clear Lake Office Area of Responsibility* (August 2002).

1880 S. Dairy Ashford St., Suite 300 • Houston, Texas 77077-4760 • Telephone: 281.493.5100 • Fax: 281.493.1047 • www.pbsj.com

PBS&J is requesting written documentation regarding compliance with the Endangered Species Act of 1973. Based on your review of the project, if you determine that the proposed project will have no adverse impact on any threatened or endangered species, please affix your stamp and signature on this letter and return, indicating your approval.

We appreciate your timely review of this project. If you have any questions or need additional information, please contact me at (281) 493-5100.

Very truly yours,

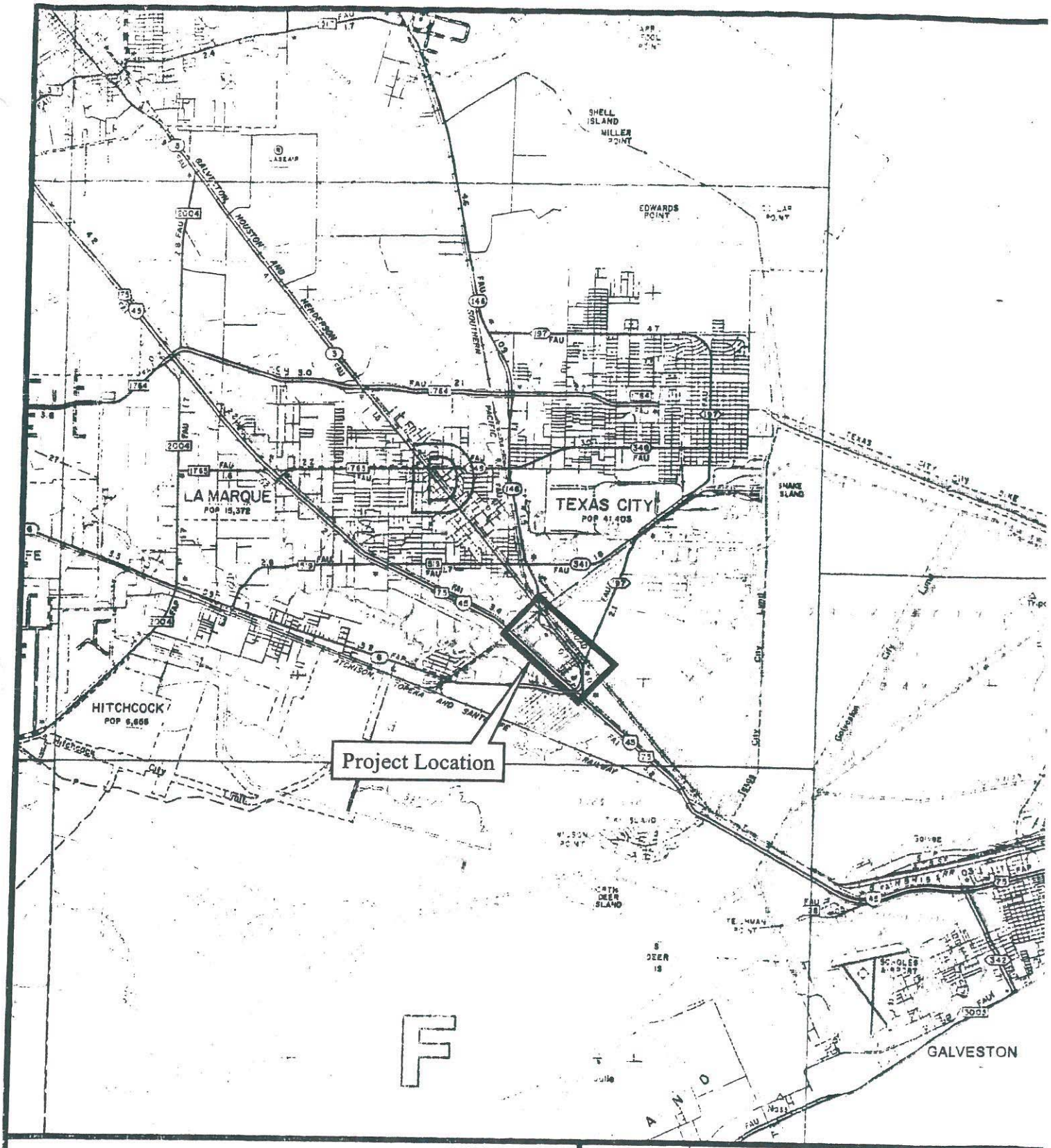
PBS&J

Heather Niles

Heather Niles
Associate Project Manager

HN:ne
Enclosures

cc: Ms. Lisa Lathem, TxDOT



north

SCALE 1" = 2 miles

1 0 1 2 3 4

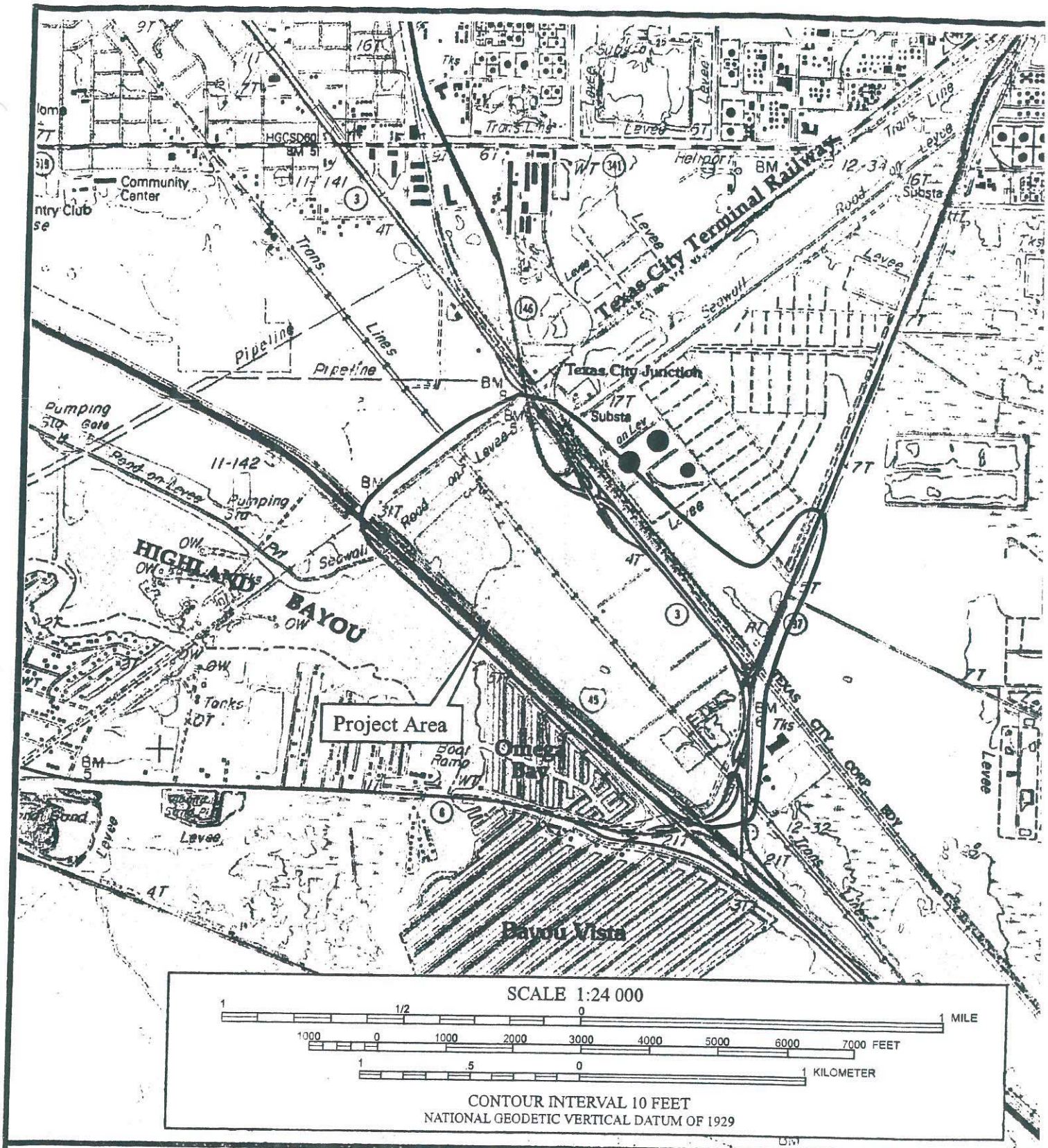
Source: TxDOT County Map, Galveston County, Texas.

Texas Department of Transportation

Exhibit A

Project Location Map
LP 197 / IH 45 Direct Connectors
Galveston County, TX
CSJ 0500-04-112

Job No.: 460122.09



Texas Department of Transportation

Exhibit B

Topographic Map
LP 197 / IH 45 Direct Connectors
Galveston County, TX
CSJ 0500-04-112

Source: Virginia Point Quadrangle USGS No. 29094-C8, 1994, Galveston County, Texas

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Division of Ecological Services
17629 El Camino Real #211
Houston, Texas 77058-3051
281/286-8282 / (FAX) 281/488-5882

May 11, 2004

Dear Sir or Madam:

This responds to your recent request for threatened and endangered species information in the Clear Lake Ecological Field Office's area of responsibility. Due to an increase in inquiries, this office is no longer able to review individual projects for possible impacts to federally listed species. Instead, we are providing information to assist the action agency, or their designated representative, in meeting their requirements under the Endangered Species Act (Act).

According to Section 7(a)(2) of the Act and the implementing regulations, it is the responsibility of each federal agency to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any federally listed species. Species information and a county by county listing of those federally listed threatened and endangered species that occur within this office's work area can be found on the Service website at http://ifw2es.fws.gov/endangeredspecies/lists/ListSpecies.cfm.

A qualified biologist should use this and other current information to determine if a proposed project "may affect" a listed species. If your assessment of the proposed project indicates that "no effect" to any listed species is likely (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area), no coordination with our office would be necessary. However, you should maintain a complete record of each site assessment, including the steps leading to your determination of no effect, the qualified personnel conducting the assessment, habitat conditions, site photographs, and any other related articles. Should you determine that the proposed project "may affect" federally listed species, this office should be contacted for further evaluation. The Service's Consultation Handbook (http://endangered.fws.gov/consultations/s7hndbk/s7hndbk.htm) is available online for further information on definitions and process.

If you have any questions, or if we can be of further assistance, please contact Catherine Yeargan or Edith Erfling at 281/286-8282.

Sincerely,

Frederick T. Werner
Assistant Field Supervisor, Clear Lake Field Office

TAKE PRIDE IN AMERICA