



## Summary of Helium Plant Memorandum of Agreement

The Texas Department of Transportation (TxDOT) proposes moving the western segment of State Loop 335, from its current Soncy Road location on the west side of Amarillo to Helium Road, one mile further west.

The proposed route would cross the east end of the Amarillo Helium Plant property. The plant is nationally significant because of its history in the development of the nation's helium industry. The property was sold into private ownership in 2007 with a Covenant in Perpetuity to protect its historic features. The covenant requires that the property be maintained in good condition and that the Texas Historical Commission (THC) review any planned work other than routine maintenance in advance.

THC has determined that the proposed route through the east end of the helium plant would have an adverse effect on this historic property. Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires ongoing consultation to develop alternatives that would avoid, minimize, or mitigate the adverse effect. Further, Section 4(f) of the Department of Transportation Act of 1966 requires analysis that there is no feasible and prudent avoidance alternative to the use of land from this historic property and the action includes all possible planning to minimize harm to the property resulting from such use.

TxDOT, the THC, and the Advisory Council on Historic Preservation are developing a Memorandum of Agreement (MoA) that will meet the legal obligations of Section 106 and Section 4(f). Preservation Texas, the Amarillo Historic Preservation Foundation, the Society for Industrial Archeology, and the National Trust for Historic Preservation have provided valuable input during this process and are consulting parties in the MoA.

The public is invited to comment on the main features of the draft MoA, which include:

- a. TxDOT will separately negotiate acquisition of the section of the Helium Plant parcel required to construct Loop 335 through the facility according to state law and TxDOT policy.
- b. THC will cancel the Covenant for TxDOT on the portion of the Helium Plant property it acquires in exchange for an amount to be negotiated.
- c. THC plans to use the funds in such ways that result in a net benefit to the Helium Plant including:

- i. THC will use its Texas Preservation Trust Fund (TPTF) to hold funds from the Covenant transaction for the long-term preservation of the Helium Plant site.
    - ii. Any funds unused after 10 years would be earmarked for projects that meet TPTF program guidelines from Potter, Hartley, Moore, Hutchison, Oldham, Carson, Deaf Smith, Randall, and Armstrong counties to supplement the statewide covenant and easement monitoring program.
    - iii. Supplementing the statewide covenant and easement monitoring program.
  - d. Mitigation for Adverse Effects to the Amarillo Helium Plant
    - i. TxDOT will prepare a National Register Nomination for the Amarillo Helium Plant and present copies to the owner of the Helium Plant property and the THC to use as they see fit.
    - ii. TxDOT will reformat existing research on the history of helium production in Texas for electronic distribution by the THC and Consulting Parties.
    - iii. TxDOT will construct a road “pull-off” in its existing right-of-way that would improve access to the THC historical marker in front of the Helium Plant.
  - e. The owner of the Helium Plant property will participate in Preservation Planning for the site including granting access to the THC, or its representatives.

To give input, please mail comments to:

TxDOT Amarillo District  
Director of Transportation Planning and Development  
5715 Canyon Drive  
Amarillo, TX 79110

Comments must be received by March 13, 2017.