



Mitigation of Excavations, Fill Material, Debris and Spoil

The DART General Provisions, General Requirements and Standard Specifications for Construction Projects, Section 01560 (Part 1.5 A, B and C), provides measures concerning disposal of debris and spoil. The regulations state that excess “clean” fill material can be disposed of on the site. Waste would be placed in containers, transferred off site and disposed of in a manner that complies with state and local requirements. No waste material would be burned on-site. The disposal transport areas would be left clean on completion of the project.

Debris and spoil generated during construction of the project within the City of Dallas could be disposed of at the McCommas Landfill. There are no regulations concerning the type of debris and spoil that could be disposed of at this landfill except that hazardous waste is not accepted. No hauling permits are required by the City of Dallas. Debris and spoil generated within the City of Irving could be disposed of at other designated landfills.

5.13 CULTURAL RESOURCES

Following the procedures set forth in 36 CFR 800.4, Identification of Historic Properties, no historic properties were identified through field survey and archival research within in the proposed project Area of Potential Effects (APE), which included 500 feet to either side of the proposed alignment. “Historic properties” means properties included in or eligible for inclusion in the National Register of Historic Places (National Register). These findings were transmitted to the State Historic Preservation Office (SHPO) on April 7, 2006. In a letter dated May 1, 2006 the SHPO requested supplemental information and photographs. This information was provided to the SHPO on May 18, 2006 and the SHPO concurred with these findings in a correspondence dated May 31, 2006.

5.13.1 Application of the Criteria of Adverse Effect

In order to comply with Section 106 of the National Historic Preservation Act of 1966, as amended (August 5, 2004), any effects of the proposed undertaking on historic properties listed in or determined eligible for listing in the National Register must be analyzed by applying the Criteria of Adverse Effect [36 CFR 800.5(a)], as follows:

- (1) An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.
- (2) Examples of adverse effects. Adverse effects on historic properties include, but are not limited to:
 - i. Physical destruction of or damage to all or part of the property;
 - ii. Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties 936 CFR part 68) and applicable guidelines;
 - iii. Removal of the property from its historic location;
 - iv. Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance;
 - v. Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features;
 - vi. Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

- vii. Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

The SHPO has determined that no properties were eligible for listing in the National Register of Historic Places therefore no historic properties are affected by the project.

5.13.2 Mitigation Measures

Because there are no historic properties affected by the proposed project, no mitigation measures are being recommended.

5.13.3 Formal Finding as to whether Historic Properties May be Affected

Following the identification of historic properties (36 CFR 800.4) within the proposed project APE and the application of the Criteria of Adverse Effect (36 CFR 800.5[a]{1}), it has been determined by FTA with SHPO concurrence on May 31, 2006 that there are no historic properties within the APE and as a result, this is a finding of No Historic Properties Affected.

5.13.4 Finding of Effect

A "No Historic Properties Affected" finding indicates that there are no properties in, or eligible for inclusion in the National Register of Historic Places (NRHP) that would be affected by the proposed project. There were no historic properties identified within the proposed project APE, and therefore there would be no potential for impacts to historic properties.

See 36 CFR 800.4(d)(1) No historic properties affected. If the agency official finds that either there are no historic properties present or that there are historic properties present by the undertaking will have no effect upon them as defined in 800.16(i), the agency official shall provide documentation of this finding, as set forth in 800.11(d), to the SHPO/THPO. The agency official shall notify all consulting parties, including Indian tribes and Native Hawaiian organizations, and make the documentation available for public inspection prior to approving the undertaking.

5.13.5 Determination of Adverse Effect

There were no historic properties identified within the APE, and therefore there would be no potential for impacts to historic properties.

5.14 ARCHEOLOGICAL RESOURCES

5.14.1 Formal Finding as to whether Historic Properties may be Affected

Effect under the National Historic Preservation Act (NHPA) means altering the characteristics of a historic property that qualify it for inclusion in or eligibility for the National Register of Historic Places (NRHP)[36 CFR 800.16(i)]. Two findings are possible, "no historic properties affected" or "historic properties affected." A finding of no historic properties affected is appropriate when:

- The agency has determined during the identification and evaluation step that there are no historic properties in the area of potential effects, or
- The agency has determined that there are historic properties present but the undertaking would not have any effect on them. [36 CFR 800.4(d)(1)]

An effect does not have to be negative to be an effect. If the undertaking would change the relevant characteristics of the property at all, it would have an effect. The potential alteration of the qualifying characteristics of a historic property does not have to be a certainty; as long as the undertaking may alter the relevant characteristics, it must be found to have an effect. Finally, the agency should consider not only the changes that may occur at the time of the undertaking, but also those reasonably foreseeable effects that may occur later.