

that would cross over Main Street and Rowlett Road. This bridge would significantly alter existing views for primary viewers. DART would work closely with the City of Rowlett to minimize the impact and visual changes to this landscape unit in order to maintain connectivity to this important and visible location within the City.

Mitigation Treatments

Potential visual impacts resulting from the proposed aerial structures through the Rowlett Creek floodplain, in downtown Garland and in the City of Rowlett would be reduced by designing the structure to be consistent with the overall settings. The Rowlett Creek structure would be designed and built as to avoid impacts to the wetlands and floodplains. DART would coordinate with the cities of Rowlett and Garland pertaining to visual treatments to the new bridge structures to create bridge designs that are aesthetically complementary to their surroundings. Any visual additions or resulting mitigation to this corridor would be approved by the cities of Rowlett and Garland prior to construction.

3.4 Historic, Cultural, and Archeological Resources

Impact Assessment

Projects involving federal funding or permitting, or that are carried out on federal land are subject to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. This states that federal agencies take into consideration the effects that an undertaking would have on cultural resources. Projects involving a political subdivision of the State of Texas are subject to the conditions of the Antiquities Code of Texas. The Antiquities Code protects cultural resources that are designated as State Archeological Landmarks (SALs).

Coordination with the THC was undertaken to create an archeological Area of Potential Effects (APE), which was limited to the area of proposed ground disturbance and expanded accordingly as design, engineering, and plans progressed. Currently, the APE is recommended to be the current MKT ROW and areas where new ROW is being considered. The National Register of Historic Places (NRHP) and SAL eligibility status was assessed for historic resources within the architectural APE.

Mitigation Treatments

Archeological resources are being assessed by the THC for the proposed project. Mitigation treatments for historic resources would be developed in consultation with the THC through a Memorandum of Agreement during final design.

3.4.1 Coordination with State Office of Historic Preservation and Local Groups

DART has initiated consultation with the THC and has proposed a methodology for conducting archeological and historical investigations for this project. An archeological permit to conduct reconnaissance investigations was received on April 26, 2005. An archeological APE has been recommended based on the results of the archeological reconnaissance survey. An

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architectural APE was coordinated with the THC on May 1, 2006 and a historic resources reconnaissance survey has been conducted within this APE. The reconnaissance archaeology report is being submitted to the THC. This report recommends that an intensive archeological survey be conducted where new ROW is being acquired. Eligibility determinations are currently being assessed for historic resources. Coordination with the THC will continue as necessary.

To ensure that any potential effects a proposed undertaking might have on historic properties have been identified during the research and survey phases, the Criteria of Adverse Effect (defined in 36 CFR § 800.5(1)) will be applied to any properties in the project APE that are listed in, or eligible for inclusion in, the NRHP. In the event that a finding of adverse effect is made by consultation with the THC and the FTA, mitigation or minimization measures will be required. In recommending mitigation treatments to protect resources recommended as eligible for inclusion in the NRHP, consideration will be given to various alternative means of complying with the requirements of local, state, and federal historic preservation laws and ordinances. If adverse effects on historic or archeological properties either listed in, or eligible for, inclusion in the NRHP are identified, the following measures will be taken:

- A Memorandum of Agreement, or similar document will be prepared
- A 4(f) statement will be prepared (if necessary)

Applicable laws require the assessment of all “feasible and prudent” alternatives to avoid the potential adverse effects on any potentially significant archeological or historic resources or those of known significance. If avoidance is not possible, measures to minimize or mitigate the effects will be developed.

3.4.2 Section 4(f) and Section 6(f) Properties

This section of the LEA will be evaluated according to the following regulatory requirements:

- Chapter 26 of the Texas Parks and Wildlife Code - Protection of Public Parks and Recreational Lands: This outlines the criteria for “use” or “taking” as related to impacts to parks and other recreational facilities.
- Section 4(f) of the DOT Act of 1966: This states that the use of land from a publicly owned park, recreation area, wildlife and waterfowl refuge or historic site of national, state, or local significance must be avoided, minimized or mitigated as much as possible.
- Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) of 1965: This regulation becomes effective when parkland developed with funds from the Land and Water Conservation Fund Act of 1965 is required for the roadway improvements. Special coordination and approval from the National Park Service (NPS) and the Department of the Interior (DOI) is necessary to satisfy Section 6(f) requirements.

Information regarding potential Section 4(f) and 6(f) properties within the study corridor will be gathered through a windshield survey and review of local, county, state, and national park system maps. The limits of study will be within 300 feet of the proposed DART Rail to Rowlett ROW for the rail line, stations and the park-and-ride facilities. Existing and planned parks, open



spaces, recreational areas, trails, wildlife and waterfowl refuges and historic properties will be tabulated and mapped as required.

Should any Section 4(f) or 6(f) properties be impacted by the proposed project, a Section 4(f) or 6(f) certification statement will be prepared to comply with regulatory requirements, and will be included in the LEA. These statements will include a description of the proposed project; the purpose and need for the proposed project; a description of, and impacts to, the Section 4(f) or 6(f) property; avoidance alternatives and measures to minimize harm.

As part of the Section 4(f) or 6(f) certification, avoidance, minimization and/or mitigation treatments must be thoroughly documented. If Section 6(f) properties are involved, this will require the approval of the NPS, and mitigation will typically involve replacement in-kind of any lands taken by the project, as determined in cooperation with the agency that administers the affected parkland.

3.5 Parklands and Recreational Facilities

This section evaluates impact assessments and mitigation treatments for parklands and recreational facilities within the proposed DART Rail to Rowlett Corridor. In Section 2.4, an inventory for all parklands and recreational facilities in the study is described. Both acquisitions and indirect impacts to parklands and recreational facilities are reviewed below.

Impact Assessment

A resource protected under Chapter 26 of the *Texas Parks and Wildlife Code* would be impacted if any of the following circumstances exist:

- A protected resource is permanently acquired by a project
- A temporary use of the protected resource is considered adverse (e.g. protection of the resource would be impaired due to temporary use)
- An indirect impact to the protected resource. An indirect impact occurs when a project generates effects due to proximity (e.g. noise impacts) and these effects are so severe they impair protection or utility of the resource

Of the parks and recreational facilities recorded within the study area, three parks and two bicycle trails fall adjacent to or intersect the proposed alignment. These include the following:

- Heritage Park
- Rowlett Creek Greenbelt
- DORBA Off-Road Trails
- Pedestrian/bicycle trail
- Katy Railroad Park

Acquisitions. The proposed DART Rail to Rowlett would require no permanent acquisitions from protected parklands or recreational facilities. All permanent project improvements within these protected areas would lie within existing MKT ROW. As a result, there are no direct impacts to these resources under the provisions of Chapter 26.

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