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November 1, 2022

**SECTION 106 REVIEW: DETERMINATION OF ELIGIBILITY AND NO ADVERSE EFFECT
SECTION 4(f) REVIEW: NOTIFICATION OF INTENT TO RENDER TEMPORARY OCCUPANCY AND *DE*
MINIMIS SECTION 4(F) FINDINGS**

Kaufman County/Dallas District
FM 741 Widening
CSJ: 1092-01-021

Mr. Justin Kockritz
History Programs
Texas Historical Commission
Austin, TX 78711

Dear Mr. Kockritz:

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 12-9-19, and executed by FHWA and TxDOT. In accordance with 36 CFR 800 and our 2015 Section 106 Programmatic Agreement, this letter initiates Section 106 consultation on the effect the proposed undertaking poses for a historic property located within the project's area of potential effects (APE). As a consequence of these agreements, TxDOT's regulatory role for this project is that of the Federal action agency.

Project Description

See attached description from TxDOT's Environmental Coordination Oversight System (ECOS).

Determination of Eligibility

TxDOT historians conducted research to identify properties previously listed in or determined eligible for the National Register of Historic Places (NRHP), as State Antiquities Landmarks (SAL), and Recorded Texas Historic Landmarks (RTHL) in the project's Area of Potential Effect (APE). TxDOT historians determined the area of potential effects (APE) for this project is 150 feet from the existing and proposed new road right-of-way (ROW). TxDOT conducted a historic resources reconnaissance survey of the entire APE. We recommend the following two historic-age properties (built prior to 1980) as eligible for listing in the NRHP:

1. Mildred and Carroll Collier Residence: A 1968 residence and outbuilding eligible for the NRHP under Criteria B and C at the local level of significance related to an important regional artist as well as the Shed design of the property.
2. Crandall Community Cemetery: A c. 1900 African American cemetery established around the Crandall Community. Local historians indicate that the cemetery's boundaries may not be defined and there may be unmarked graves. The cemetery is eligible under Criterion A for Ethnic History: Black and the recommended boundaries of the cemetery are indicated in the survey report but may be extended based on any further investigations outside the scope of this project.

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TxDOT finds the remaining 22 historic-age properties identified in the HRSR as not eligible for listing in the NRHP. The properties either do not retain any historic integrity or are not significant in events in history, people or design.

Consultation with Interested Parties

TxDOT consulted with the Kaufman County Historical Commission and Kaufman County on the findings of the historic resources survey. Both the CHC and the county responded to TxDOT expressing concern over protecting the Crandall Community Cemetery from the project's effects.

Determination of Effects

TxDOT finds that the proposed project will cause **no adverse effect** to the historic properties in the APE. Below is a discussion of effects on each historic property.

Mildred and Carroll Collier Residence: TxDOT proposes to acquire approximately 0.08 acres of land from the boundaries of the historic property along the existing FM 741. Overall, this acquisition will be about 1.68 percent of the total acreage of the property (4.74 acres) and will not affect the contributing features of the historic property. The proposed project will move the edge of the paved road from 184 feet to approximately 160 feet from the closest contributing feature. The proposed road widening will have no adverse effect to the character-defining features of this property.

Crandall Community Cemetery: TxDOT redesigned its plans for the project to **avoid** any acquisition of land within the current cemetery boundaries. Because of the age and cultural significance of the cemetery, it is likely that there may be unmarked burials outside of the current boundaries. However, TxDOT conducted archeological investigations of the current ROW adjacent to the cemetery for this project and found no evidence of any grave shafts or human remains in the current TxDOT ROW.

Project designers may construct a new driveway into the cemetery to allow access from the widened FM 741 down into the cemetery. The proposed driveway would be constructed on the existing driveway. TxDOT would ensure the following protective measures would be carried out in order to minimize any effects to the cemetery:

- Limit driveway work in the cemetery to the existing gravel driveway. These limits will be clearly shown on the construction plan set.
- Require the contractor to limit all work and construction equipment to within the existing gravel driveway. No excavation may occur without discussions with Dallas District environmental staff first.
- Reiterate the importance of protection measures during construction with the contractor at the pre-construction meeting.
- Obtain access and "right of entry" from the cemetery owner prior to any driveway work commencing.
- Ensure that the TxDOT Area Office inspector is present onsite during driveway construction within and around the cemetery to make sure no damage occurs.

These measures will ensure TxDOT does not adversely affect the Crandall Community Cemetery.

Section 4(f) Findings

As part of this coordination, TxDOT determined that the proposed project meets the requirements for a Section 4(f) *de minimis* impact findings on the Carroll House under 23 CFR 774. TxDOT based its determination on the fact that the use for the Carroll House is minimal and the project will have **no**

adverse effect on the historic property. TxDOT plans to acquire 2 percent of the overall historic site and will not affect any character-defining features or attributes of the property.

The proposed project also meets the requirements for an exception to Section 4(f) for the Crandall Community Cemetery due to the temporary impacts of the driveway construction. TxDOT determined the project activities meet the following conditions:

- 1) The duration of the occupancy will be less than the time needed for construction of the project and there will be no change in ownership.
- 2) The scope of the work would be minor resulting in minimal changes to the property.
- 3) No significant features of the property would be adversely affected.
- 4) The occupied segments of the property would be returned to their as-found conditions or better.

Conclusion

In accordance with 36 CFR 800 and our Programmatic Agreement, I hereby request your signed concurrence with TxDOT's findings of eligibility and of **no adverse effect**. 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. Final determinations for the Section 4(f) process will be rendered by TxDOT pursuant to 23 U.S.C. 327 and the afore-mentioned MOU dated 12-9-19.

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) 431-3422 or rebekah.dobrasko@txdot.gov.

Sincerely,

Rebekah Dobrasko
Section Director, Cultural Resources
Environmental Affairs Division

**CONCURRENCE WITH NRHP ELIGIBILITY AND
NO ADVERSE EFFECT SECTION 106 DETERMINATION**

NAME: _____ DATE: _____
for Mark Wolfe, State Historic Preservation Officer

**NO COMMENTS ON DETERMINATION OF EXECPTION TO SECTION 4(F) REGULATIONS
DETERMINATION OF *DE MINIMIS* TO SECTION 4(F) REGULATIONS**

NAME: _____ DATE: _____
for Mark Wolfe, State Historic Preservation Officer