

APPENDIX E

AGENCY COORDINATION

Summary of Agency Coordination

Agency	Correspondence to Agency		Agency Response	
	Date	Description	Date	Description
USFWS	10/15/2010	Initial scoping letter to USFWS	-	-
TPWD	10/15/2010	Initial scoping letter to TPWD	-	-
TCEQ	10/15/2010	Initial scoping letter to TCEQ	10/19/2010	TCEQ acknowledges receipt of scoping letter
USACE	10/15/2010	Initial scoping letter to USACE, Galveston District	11/04/2010	USACE acknowledges receipt of scoping letter
	06/08/2012	Request for Concurrence Letter to USACE (included JD Report, 30 percent design plans, and shape files of delineated wetlands) (See Appendix D for a copy of the report)	08/21/2012	USACE approved jurisdictional determination.
SHPO	11/18/2010	Initial coordination letter to SHPO	12/22/2010	SHPO response, and requests survey
	03/02/2012	Antiquities Permit Application to SHPO	04/06/2012	SHPO issued Antiquities Permit
	07/25/2012	<i>Permit #6217 – Cultural Resources Survey along Tres Palacios Creek in El Campo, Wharton County, Texas</i> submitted for review under Section 106 and the Antiquities Code of Texas (See Appendix F for a copy of the report)	08/02/2012	SHPO Determination: No Adverse on National Register eligible or listed properties. Project may proceed.



October 15, 2010
AVO 26678

Mr. Steve Parris
U.S. Fish and Wildlife Service
17629 El Camino Real #211
Houston, TX 77058-3051

RE: Tres Palacios River Flood Control Project, El Campo, TX

Dear Mr. Parris:

This letter is intended to notify you of Wharton County's recent application to FEMA for its Hazard Mitigation Grant Program (HMGP). The ultimate goal of this project is to develop a cost effective flood reduction recommendation for the extensive flooding problems experienced by residences of the City of El Campo, TX. Currently, the key flooding problem throughout the Tres Palacios watershed is associated with the flooding issues within the City of El Campo, TX. During high flow events, the Tres Palacios River has a tendency to overflow its banks and flood the City of El Campo and its rural residential neighborhoods in close proximity.

The proposed project included an environmental constraints assessment of the project area and surrounding vicinity. A flood damage reduction alternative analysis has been performed and shows that widening the Tres Palacios River to a 25-year earthen channel, consisting of channel widening with 4:1 side slopes and a 45-foot bottom width would significantly reduce flood damage to the City of El Campo. These improvements would allow the channel to contain up to the 25-year flow. During construction, temporary erosion measures shall be in place, and a combination of turf reinforcement mats and seeding will be used to reestablish vegetation upon completion of each segment of the construction project.

Wharton County and the City of El Campo look forward to implementing this plan, as it will result in alleviating current flooding problems for many structures in and around the city limits. Wharton County is requesting comments from USFWS regarding potential impacts this project would have on threatened and endangered species. Please comment regarding requirements and recommendations related to the



proposed flood control plan. If you have any questions or require further information regarding the proposed project, feel free to contact me at (512)-252-8184.

Sincerely,

Halff Associates, Inc.

A handwritten signature in black ink that reads "Tricia Mosier".

Tricia Mosier
Environmental Manager

Attachments



October 15, 2010
AVO 26678

Mr. David Forrester
Oak-Prairie Wildlife District Leader
Texas Parks and Wildlife Department
111 E. Travis, Suite 200
La Grange, TX 78945

RE: Tres Palacios River Flood Control Project, El Campo, TX

Dear Mr. Forrester:

This letter is intended to notify you of Wharton County's recent application to FEMA for its Hazard Mitigation Grant Program (HMGP). The ultimate goal of this project is to develop a cost effective flood reduction recommendation for the extensive flooding problems experienced by residences of the City of El Campo, TX. Currently, the key flooding problem throughout the Tres Palacios watershed is associated with the flooding issues within the City of El Campo, TX. During high flow events, the Tres Palacios River has a tendency to overflow its banks and flood the City of El Campo and its rural residential neighborhoods in close proximity.

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Wharton County and the City of El Campo look forward to implementing this plan, as it will result in alleviating current flooding problems for many structures in and around the city limits. Wharton County is requesting comments from TPWD regarding potential impacts this project would have on threatened and endangered species. Please comment regarding requirements and recommendations related to the



proposed flood control plan. If you have any questions or require further information regarding the proposed project, feel free to contact me at (512)-252-8184.

Sincerely,

Halff Associates, Inc.

A handwritten signature in black ink that reads "Tricia Mosier". The signature is written in a cursive, flowing style.

Tricia Mosier
Environmental Manager

Attachments



October 15, 2010
AVO 26678

Mr. James Moore, P.E., MC 150
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RE: Tres Palacios River Flood Control Project, El Campo, TX

Dear Mr. Moore:

This letter is intended to notify you of Wharton County's recent application to FEMA for its Hazard Mitigation Grant Program (HMGP). The ultimate goal of this project is to develop a cost effective flood reduction recommendation for the extensive flooding problems experienced by residences of the City of El Campo, TX. Currently, the key flooding problem throughout the Tres Palacios watershed is associated with the flooding issues within the City of El Campo, TX. During high flow events, the Tres Palacios River has a tendency to overflow its banks and flood the City of El Campo and its rural residential neighborhoods in close proximity.

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Wharton County and the City of El Campo look forward to implementing this plan, as it will result in alleviating current flooding problems for many structures in and around the city limits. Wharton County is requesting comments from TCEQ regarding potential impacts this project would have on water quality. Please comment regarding requirements and recommendations related to the proposed flood control plan.



If you have any questions or require further information regarding the proposed project, feel free to contact me at (512)-252-8184.

Sincerely,

Halff Associates, Inc.

A handwritten signature in black ink that reads "Tricia Mosier".

Tricia Mosier
Environmental Manager

Attachments

2010-499



October 15, 2010
AVO 26678

Mr. James Moore, P.E., MC 150
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RE: Tres Palacios River Flood Control Project, El Campo, TX

RECEIVED

OCT 19 2010

WATER QUALITY DIVISION
TCEQ

IGR

OCT 25 2010

RECEIVED

Dear Mr. Moore:

This letter is intended to notify you of Wharton County's recent application to FEMA for its Hazard Mitigation Grant Program (HMGP). The ultimate goal of this project is to develop a cost effective flood reduction recommendation for the extensive flooding problems experienced by residences of the City of El Campo, TX. Currently, the key flooding problem throughout the Tres Palacios watershed is associated with the flooding issues within the City of El Campo, TX. During high flow events, the Tres Palacios River has a tendency to overflow its banks and flood the City of El Campo and its rural residential neighborhoods in close proximity.

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Wharton County and the City of El Campo look forward to implementing this plan, as it will result in alleviating current flooding problems for many structures in and around the city limits. Wharton County is requesting comments from TCEQ regarding potential impacts this project would have on water quality. Please comment regarding requirements and recommendations related to the proposed flood control plan.

HALFF ASSOCIATES, INC.

4030 WEST BRAKER LANE, SUITE 450
AUSTIN, TX 78759-5356

TEL (512) 252-8184
FAX (512) 252-8141

WWW.HALFF.COM



If you have any questions or require further information regarding the proposed project, feel free to contact me at (512)-252-8184.

Sincerely,

Halff Associates, Inc.

A handwritten signature in black ink that reads "Tricia Mosier".

Tricia Mosier
Environmental Manager

Attachments

A handwritten email address in black ink that reads "tmosier@halff.com".



October 15, 2010
AVO 26678

Mr. John P. Davidson II
US Army Corps of Engineers, Galveston District
Regulatory Branch, Evaluation Section
2000 Fort Point Road
Galveston, TX 77553

RE: Tres Palacios River Flood Control Project, El Campo, TX

Dear Mr. Davidson:

This letter is intended to notify you of Wharton County's recent application to FEMA for its Hazard Mitigation Grant Program (HMGP). The ultimate goal of this project is to develop a cost effective flood reduction recommendation for the extensive flooding problems experienced by residences of the City of El Campo, TX. Currently, the key flooding problem throughout the Tres Palacios watershed is associated with the flooding issues within the City of El Campo, TX. During high flow events, the Tres Palacios River has a tendency to overflow its banks and flood the City of El Campo and its rural residential neighborhoods in close proximity.

The proposed project included an environmental constraints assessment of the project area and surrounding vicinity. A flood damage reduction alternative analysis has been performed and shows that widening the Tres Palacios River to a 25-year earthen channel, consisting of channel widening with 4:1 side slopes and a 45-foot bottom width would significantly reduce flood damage to the City of El Campo. These improvements would allow the channel to contain up to the 25-year flow. During construction, temporary erosion measures shall be in place, and a combination of turf reinforcement mats and seeding will be used to reestablish vegetation upon completion of each segment of the construction project.

Wharton County and the City of El Campo look forward to implementing this plan, as it will result in alleviating current flooding problems for many structures in and around the city limits. Wharton County is requesting comments from USACE regarding the project in regards to waters of the United States. Please comment regarding requirements and recommendations related to the proposed flood control plan.



If you have any questions or require further information regarding the proposed project, feel free to contact me at (512)-252-8184.

Sincerely,

Halff Associates, Inc.

A handwritten signature in black ink that reads "Tricia Mosier".

Tricia Mosier
Environmental Manager

Attachments

ACKNOWLEDGEMENT

This Is To Acknowledge Receipt of Your Request.

November 4, 2010

**To: TRICIA MOSIER
HALFF ASSOCIATES, INC.
4030 WEST BRAKER LANE, SUITE 450
AUSTIN, TEXAS 78759-5356**

Date Request Received: October 21, 2010

Applicant (If Other Than Requestor):

Request For: Jurisdictional Determination

**Project and Applicant's Referenced
File Number
(if applicable): Tres Palacios River Flood Control Project, El Campo,
Tx**

Site Location: City of El Campo Wharton County, Texas

Project Manager Assigned: Ms. Emilee Stevens

Telephone Number: 409-766-3980

E-mail Address: Emilee.r.stevens@usace.army.mil

Application File Number: SWG-2010-00989

Please reference the above file number in future matters dealing with this request, and contact the Corps Regulatory Compliance Staff person working on this action. It should be noted that at the present time our average response time to finalize determinations exceeds 120 days. Please contact the Compliance Staff person working on this action for any concerns and/or questions that you may have pertaining to this action. They may be contacted at:

**Ms. Emilee Stevens
CESWG-PE-RC
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
Fax# 409-766-3931**

**RECEIVED
NOV 09 2010
HALFF**



4030 West Braker Lane, Ste 450
Austin, Texas 78759
(512) 777-4600
Fax (512) 252-8141

June 8, 2012
AVO: 27773

Kristin Shivers
Galveston District
United States Army Corps of Engineers
Post Office Box 1229
Galveston, Texas 77553

RE: SWG-2010-00989
Request for Concurrence
Tres Palacios Creek Drainage Improvement Project
City of El Campo, Wharton County, Texas
FEMA SRL Project No: 06-TX-2011-008

Dear Ms. Shivers:

The purpose of this letter is to provide you the most recent project information as an update to our initial scoping letter dated October 15, 2010, as we discussed on March 14, 2012. Attached to this letter are the following: (1) Jurisdictional Determination Report (2) 30 percent preliminary design plans to support the Environmental Assessment, and (3) GIS shape files of the delineated wetlands within the study area.

Description of Proposed Project

The City of El Campo in conjunction with Wharton County applied for and was awarded a Severe Repetitive Loss (SRL) Grant (SRL 06-TX-2011-008) through the Federal Emergency Management Agency's (FEMA) Hazardous Mitigation Assistance (HMA) program. The proposed flood mitigation project will increase the flood storage capacity of Tres Palacios Creek within the City of El Campo. This flood mitigation project will significantly reduce future flood damages in El Campo that originate from the Tres Palacios Creek. With the proposed improvements, approximately 608 structures will be removed from the 100-year floodplain.

The project limits include an approximate 13,650-foot long segment of Tres Palacios Creek that extends from Business U.S. 59 near Avenue I within the City of El Campo to County Road (CR) 406 west of U.S. Route 71, just south of the city limits. The geographic coordinates of the project extend from 29°11'18.13" North Latitude and 96°16'51.03" West Longitude (northern extent) to 29°10'22.42" North Latitude and 96°15'02.95" West Longitude (southern extent).

Purpose of Proposed Project

Through the SRL grant program, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures. The SRL program is authorized by Section 1361A of the National Flood Insurance Program (NFIP) (Title 42, United States Code (U.S.C.) 4102a) with the purpose of reducing flood damages to residential properties that have experienced severe repetitive losses under flood insurance coverage and that will result in the greatest savings to the National Flood Insurance Fund (NFIF).

Need for Proposed Project

The Tres Palacios Creek has been a source of frequent flooding for the citizens of El Campo for a significant length of time. Historic flood hazards within this project area have been listed in the Texas Colorado River Floodplain Coalition (TCRFC) All Hazards Mitigation Plan Update, and include floods in 1990, 1991, 1994, 1998, 2002, and 2008; all of which received a Disaster Declaration from the President. Most recently, the City of El Campo experienced extensive flood damages due to the Thanksgiving Day flood of 2004, approximately five hundred homes in Wharton County were damaged during the flood. Local officials applied for a Texas Water Development Board (TWDB) Flood Protection Planning Grant to aid in the creation of new hydrologic and hydraulic modeling of the river basin, as well as flood damage reduction alternative analyses to aid in planning efforts. This proposed project was identified as an important project to the community, which also meets the purpose of the SRL program.

Avoidance of Impacts to Jurisdictional Waters

An important component of the proposed project is to protect the natural channel below the ordinary high water mark (OHWM), and avoid impacts to wetlands. The proposed action will avoid temporary and permanent impacts to waters of the United States. As noted in the attached **30 Percent Preliminary Design**, the following commitments have been made:

- No equipment, grading or disturbance shall be allowed in the channel below the OHWM with the exception of specifically noted debris and sediment. Such work shall be first coordinated with and done while the inspector is on the project.
- No excess excavated material shall be deposited in low area or along natural drainage ways.
- No fill shall be placed within the 100-year floodplain.
- No material may be stored within the 100-year floodplain.
- Contractor shall preserve the existing flowline of the channel and perform grading and fill operations only on slopes and at the toe of slopes as indicated.
- Select compacted fill shall consist of Type "B" or "C" backfill (sandy gravel), as specified in the City of El Campo standard specifications. No placement of fill will occur below the OHWM of the channel.
- Where slopes are greater than 4:1, 12 inch rock gabion mattress will be installed. No placement of gabion mattress will occur below the OHWM of the channel.
- Contractor shall ensure positive drainage (minimum 2 percent slope) for adjacent properties to the proposed channel improvements.
- Hydro-mulch seeding will be used on disturbed slopes and ground per City of El Campo standard specifications.

This project will disturb more than five acres of earth disturbance. Under the requirements of Section 402 of the Clean Water Act, the proposed project will meet the requirements of Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge and Elimination System (TPDES) Construction General Permit (CGP). A Storm Water Pollution Prevention Plan (SW3P) will be implemented, and a construction site notice will be posted at the construction site. A Notice of Intent (NOI) would be required.



4030 West Braker Lane, Ste 450
Austin, Texas 78759
(512) 777-4600
Fax (512) 252-8141

Request for Concurrence

Upon your review of the provided information, we request your concurrence that the proposed project will not require a permit under Section 404 of the Clean Water Act. Your response is requested and will be included in the Environmental Assessment currently being prepared in accordance with the National Environmental Policy Act (NEPA). If you have any questions or require further information regarding the proposed project, please contact me at (512) 777-4567 or tmosier@halff.com.

Sincerely,

HALFF ASSOCIATES, INC.

A handwritten signature in black ink that reads "Tricia Mosier".

Tricia Mosier
Environmental Manager

Attachments (via FTP site and FedEx Delivery):

- Jurisdictional Determination Report
- 30 Percent Preliminary Design Plans to Support the Environmental Assessment
- GIS shape files of the delineated wetlands within the Study Area



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON TX 77553-1229

August 21, 2012

Compliance Section

SUBJECT: **SWG-2010-00989**; Wharton County, Jurisdictional Determination, Tres Palacios Creek, El Campo, Wharton County, Texas

Ms. Tricia Mosier
Halff Associates, Inc.
4030 West Barker Lane, Suite 450
Austin, Texas 78759-5356

Dear Ms. Mosier:

This is in response to your October 15, 2010 jurisdictional determination request on behalf of Wharton County for proposed bank grading of Tres Palacios Creek. The project is located along 2.75 miles of Tres Palacios Creek, from West Jackson Avenue to County Road 406, in El Campo, Wharton County, Texas.

We have determined that there are waters of the United States within the project boundary, specifically Tres Palacios Creek, which is a relatively permanent water subject to Section 404 of the Clean Water Act (Section 404). A Department of Army (DA) permit is required prior to the discharge of dredged and/or fill material into any waters of the U.S. under Section 404. However, per the project description as stated in your June 12, 2012 letter, no fill material, equipment, gabion mattress, grading, or disturbance will occur below the ordinary high water mark of Tres Palacios Creek. **As such, a Department of the Army permit will not be required, provided no dredged and/or fill material is discharged into any waters of the United States.**

This determination has been conducted to identify the limits of the United States Army Corps of Engineers (USACE) CWA jurisdiction for the particular site identified in this request. However this determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

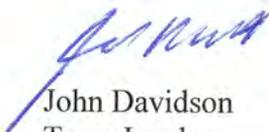
This letter constitutes an approved jurisdictional determination for your subject site, and is valid for five years from the date of this letter unless new information warrants a revision prior to the expiration date. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. You will find an enclosed Notification of Appeals Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Southwest Division Office at the following address:

Mr. Elliott Carman
Regulatory Appeals Review Officer
Southwestern Division USACE (CESWD-PD-O)
1100 Commerce Street, Suite 831
Dallas, TX 75242-1731
Phone: 469-487-7061
Fax: 469-487-7199

In order for an RFA to be accepted by USACE, USACE must determine it is complete, meets the criteria for appeal under 33 CFR Part 331.5, and has been received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

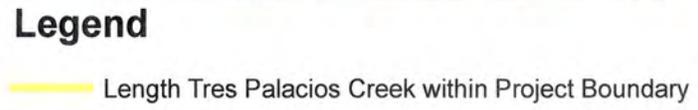
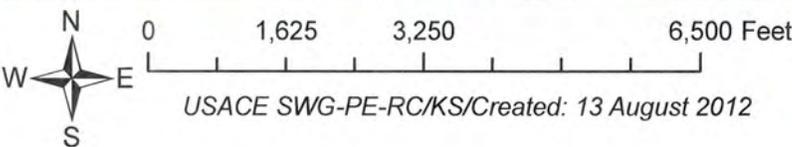
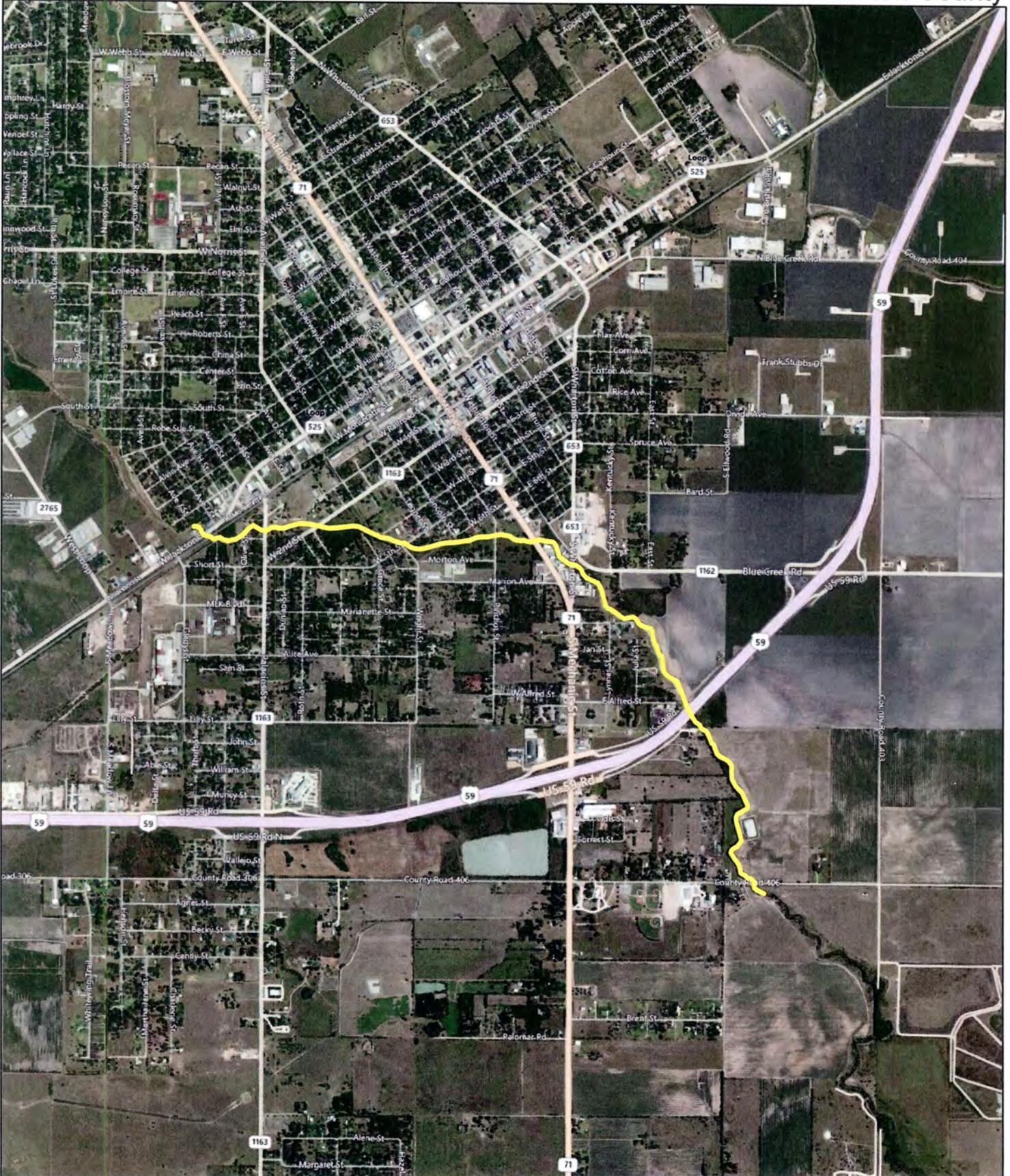
If you have questions concerning this matter, please reference file number **SWG-2010-00989** and contact Ms. Kristin Shivers at the letterhead address, email at kristin.d.shivers@usace.army.mil, or by calling 409-766-3991. To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>. If you would prefer a hard copy of the survey form, please let us know, and one will be mailed to you.

Sincerely,



John Davidson
Team Leader

Enclosures



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: WHARTON COUNTY		File Number: SWG 2010-00989	Date: 08/21/2012
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Ms. Kristin Shivers
Regulatory Specialist, Compliance Section
CESWG-PE-RC
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3991; FAX: 409-766-3931

If you only have questions regarding the appeal process you may also contact:

Mr. Elliott Carman
Regulatory Appeal Review Officer, (CESWD-PD-O)
Southwestern Division USACE
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1731
469-487-7061, FAX: 469-487-7199

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or authorized agent.

Date:

Telephone number:



ECOLOGICAL COMMUNICATIONS CORPORATION

Environmental Services

November 18, 2010

Dr. James E. Bruseth
Archeology Division Director
Texas Historical Commission
1511 Colorado, Austin, TX 78701

Re: Tres Palacios River Improvements, El Campo, Texas

Attn: Ed Baker

Dear Mr. Baker:

Wharton County is planning flood reduction improvements to the Tres Palacios River in the City of El Campo. Ecological Communications Corporation (EComm), has been subcontracted by Halff Associates to conduct background research and coordinate with your office regarding the effects the proposed undertaking will have on cultural resources. The project limits begin just upstream of CR 406 and extend upstream to BUS 59 for a total distance of approximately 10,300 linear feet (Figure 1). The proposed action is to widen through excavation the existing river channel to approximately 60 feet, and lay the banks back at a 4:1 slope of both sides. The channel will not be cut deeper than the existing elevation. A flood damage reduction alternative analysis has been performed and shows that widening the channel will significantly reduce flood damage in El Campo.

The project is being sponsored by Wharton County and the City of El Campo, and hence, is subject to the Antiquities Code of Texas. However, it also falls under the National Historic Preservation Act, since it involves federal funding through a Texas Water Development Board and Federal Emergency Management Agency grant program. Although the proposed widening is anticipated to avoid impacts below the jurisdictional ordinary high water mark, an individual permit under Section 404 of the Clean Water Act may be required. The attached maps indicate the location of these improvements. The Area of Potential Effects (APE) is defined as the footprint of the proposed undertaking.

Research for this project was conducted online through the Texas Archeological Sites Atlas, and focused on a search of previously recorded archeological sites, surveys, State Archeological Landmarks (SALs) and sites listed on the National Register of Historical Places (NRHP). EComm also reviewed the 1961 USGS El Campo topographic quadrangle and the 1940 Wharton County highway map to evaluate the potential for historic-period structures or structural remains. The 1922 Sanborn Fire Insurance Maps for El Campo were reviewed, but coverage was not available for the project area.

The online review revealed that no surveys have taken place in or near the APE, and there are no archeological sites within a mile of the APE. There are no sites listed on the NRHP, SALs, or Registered Texas Historic Landmarks (RTHLs) within the APE, though historical markers are present in the City of El Campo, less than one half mile away. One cemetery is located approximately 600 feet east of the APE. The St. Phillips Cemetery is situated at the corner of S. Mechanic Street and E. Alfred Street. There is no information available about it through the online historic sites atlas. Based on a review of aerial photographs, however, it appears to be large, well-tended and still active (Figures 1 and Figure 2).

4009 Banister Lane, Suite 300
Austin, Texas 78704

Tel: (512) 329-0031

Fax: (512) 329-0012

Local geology consist of quaternary sands (Qbc) and clay veneer over sand (Qbs) associated with the Beaumont Formation. In terms of age, this formation has potential to contain buried archeological sites. Soils within the project are typical of Southeast Texas and consist of clayey loams with depths exceeding six feet. These soils include Bernard-Edna Complex (BeA) and Edna Fine Sandy Loam (EdA). Bernard-Edna complex soils are made up of clay loams and fine sandy or silty loams and typically occupy level stream terraces, low mounds and depressions. Edna Fine Sandy Loam is characterized by light gray to dark olive gray sandy loams that occupy upland areas.

Though no sites have been recorded, there is potential for archeological site within the APE. Soils along the Tres Palacios River are Pleistocene or Holocene in age, deep, and could contain prehistoric archeological resources. Moreover, based on a review of the 1940 Wharton County Highway Map and aerial photographs from 1969 found in the Wharton County Soil Survey book, there were structures located very close to, or within the APE at that time. EComm recommends that an archeological survey of the project area should be conducted prior to construction. The survey should include visual inspection, shovel testing and backhoe trenching within the APE.

To summarize, we are contacting you to introduce the project, describe the results of the background search, and solicit formal recommendations from your office regarding the need for further field identification efforts prior to project implementation. We appreciate the opportunity to help protect Texas' irreplaceable cultural heritage. If you require any additional information, please me at (512)-329-0031.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rachel Feit".

Rachel Feit
Principal Investigator

TEXAS HISTORICAL COMMISSION
real places telling real stories

December 22, 2010

Rachel Feit
Principal Investigator
ECOMM Environmental Services
4009 Banister Lane, Suite 300
Austin, Texas 78704

RE: Tres Palacios River Improvements, El Campo, Texas
(Wharton County and TWDB)

Dear Ms. Feit:

Thank you for your correspondence describing the above referenced undertaking. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC). The review staff, led by Ed Baker, has completed its review.

There may be historic properties in or near the above undertakings' temporary and permanent areas of potential effect. Prior to construction work, an intensive archeological resources survey, with backhoe trenching in high probability alluvial areas, should be performed. Areas without probability to contain cultural resources do not need to be surveyed.

A Texas Antiquities Code permit must be obtained from this office prior to initiating fieldwork. We look forward to reviewing a scope of work and permit application.

Thank you for your cooperation in this state and federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions please contact Edward L. Baker of our staff, at (512) 463-5866.**

Sincerely,



for Mark Wolfe
Executive Director
elb/MW



ANTIQUITIES PERMIT APPLICATION FORM ARCHEOLOGY

GENERAL INFORMATION

I. PROPERTY TYPE AND LOCATION

Project Name (and/or Site Trinomial) ARCHEOLOGICAL SURVEY OF A 2.75-MILE SEGMENT OF TRES PALACIOS CREEK IN THE CITY OF EL CAMPO, WHARTON COUNTY, TEXAS
 County (ies) Wharton
 USGS Quadrangle Name and Number El Campo, Texas 29096-B3
 UTM Coordinates Zone NAD 83 Zone 14 E 764380 N 3231944
 To: Zone NAD 83 Zone 14 E 767376 N 3230253
 Location El Campo, Texas
 Federal Involvement Yes No
 Name of Federal Agency Federal Emergency Management Agency
 Agency Representative _____

II. OWNER (OR CONTROLLING AGENCY)

Owner City of El Campo
 Representative Mindi Snyder
 Address 315 E. Jackson
 City/State/Zip El Campo, TX 77437
 Telephone (include area code) (979)541-5000 Email Address MSnyder@cityofelcampo.org

III. PROJECT SPONSOR (IF DIFFERENT FROM OWNER)

Sponsor same as above
 Representative _____
 Address _____
 City/State/Zip _____
 Telephone (include area code) _____ Email Address _____

PROJECT INFORMATION

I. PRINCIPAL INVESTIGATOR (ARCHEOLOGIST)

Name Joel Butler
 Affiliation AmaTerra Environmental, Inc.
 Address 4009 Banister Lane, Suite 300
 City/State/Zip Austin, TX 78704
 Telephone (include area code) 512-329-0031 Email Address jbutler@amaterra.com

(OVER)
ANTIQUITIES PERMIT APPLICATION FORM (CONTINUED)

II. PROJECT DESCRIPTION

Proposed Starting Date of Fieldwork March 2, 2012
Requested Permit Duration 4 Years Months (1 year minimum)
Scope of Work (Provided an Outline of Proposed Work) Intensive Survey, see attached scope

III. CURATION & REPORT

Temporary Curatorial or Laboratory Facility AmaTerra Environmental, Inc.
Permanent Curatorial Facility TARL

IV. LAND OWNER'S CERTIFICATION

I, Mindi Snyder, as legal representative of the Land Owner,
The City of El Campo, Texas, do certify that I have reviewed the plans and research design,
and that no investigations will be performed prior to the issuance of a permit by the Texas Historical Commission.
Furthermore, I understand that the Owner, Sponsor, and Principal Investigator are responsible for completing the terms of
the permit.
Signature Mindi Snyder Date 3/16/12

V. SPONSOR'S CERTIFICATION

I, Mindi Snyder, as legal representative of the Sponsor,
The City of El Campo, Texas, do certify that I have review the plans and
research design, and that no investigations will be performed prior to the issuance of a permit by the Texas Historical
Commission. Furthermore, I understand that the Sponsor, Owner, and Principal Investigator are responsible for
completing the terms of this permit.
Signature Date

VI. INVESTIGATOR'S CERTIFICATION

I, Joel Butler, as Principal Investigator employed by
AmaTerra Environmental, Inc. (Investigative Firm), do certify that I will execute this project according to the
submitted plans and research design, and will not conduct any work prior to the issuance of a permit by the Texas
Historical Commission. Furthermore, I understand that the Principal Investigator (and the Investigative Firm), as well as
the Owner and Sponsor, are responsible for completing the terms of this permit.
Signature Joel B. Butler Date March 2, 2012
Principal Investigator must attach a research design, a copy of the USGS quadrangle showing project boundaries, and any
additional pertinent information. Curriculum vita must be on file with the Division of Antiquities Protection.

FOR OFFICIAL USE ONLY

Reviewer Date Permit Issues
Permit Number Permit Expiration Date
Type of Permit Date Received for Data Entry



Attachment to TAC Permit Application

PLAN FOR AN ARCHEOLOGICAL SURVEY OF A 2.75-MILE SEGMENT OF TRES PALACIOS CREEK AT THE CITY OF EL CAMPO, WHARTON COUNTY, TEXAS

Prepared by
AmaTerra Environmental, Inc.
Austin, Texas

INTRODUCTION

This work plan has been developed by AmaTerra Environmental, Inc. in response to a request by the City of El Campo to conduct a cultural resource survey of approximately 2.75 stream-miles of Tres Palacios Creek in and near the City of El Campo, from Business US 59 to County Road 406, in advance of proposed channel-widening to ease flooding in central Wharton County, Texas. The land is currently owned by private citizens as well as the City of El Campo.

The purpose of the survey is to identify whether any archeological resources would be affected by the proposed undertaking, which will involve widening the stream channel from its present width of approximately 15 feet to approximately 60 feet north of US 59 and 100 feet wide to the south, thus significantly reducing localized flooding during high water events. The Area of Potential Effect (APE) varies from 120 feet to 200 feet across by 14,520 feet in length (encompassing approximately 51 acres). The depth of disturbance will exceed the depth of any potential archeological deposits and will be limited to the stream channel and bank slopes with minimal anticipated disturbance elsewhere. The project area is shown on the USGS 1:24000 El Campo, Texas topographic sheet in Figure 1 and on a recent aerial photograph in Figure 2.

The project area is located on nearly level land typical of the West Coastal Plain. The River's margins have been largely developed within the City of El Campo and cultivated and/or cleared of brush outside of the city proper. There is also visible evidence of stream realignment on aerial photographs and topographic maps where Tres Palacios Creek crosses Business US 59 and US 59.

The undertaking is jointly funded by the City of El Campo and Wharton County through a Texas Water Development Board (TWDB) Flood Mitigation Assistance Grant overseen by the Federal Emergency Management Agency (FEMA). Because of FEMA involvement, the survey will be conducted to comply with Section 106 of the National Historic Preservation Act and because this is a City and County-level public works project, the survey will also comply with the Antiquities Code of Texas. All work will conform to 36 CFR Part 800, and 13 TAC 26 which outline the regulations for

implementing Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas, respectively.

BACKGROUND INFORMATION

According to the THC Online Atlas, there are no previously recorded archeological sites within one kilometer of the APE. The closest archeological site (41WH63) is located six kilometers south of the project and consists of a single reported projectile point. Two previous archeological surveys have occurred within one kilometer of the APE (Figure 3). An area survey of three acres was carried out in 1993 for the Federal Highways Administration at the southern terminus of the project area and a 1994 survey was conducted by the Adjutant General's Office 200 meters southwest of the southern terminus. No sites are associated with these surveys.

One cemetery (St Philips Cemetery) is located 250 meters southwest of the US 59 crossing and will not be impacted by the proposed stream widening. An examination of historic maps of the project area indicate the possible presence of historic structures, especially in the older portion of El Campo, between FM 525 and South Wharton Street (FM 653).

An examination of USDA soil maps for Wharton County (McEwen et al 1974) reveals that soils within the APE consists of 27% Edna fine sandy loam (EdA) 0-1% slopes, 32% Bernard clay loam (BcA) 0-1% slopes, and 41% Bernard-Edna fine sandy loam (BeA) 0-1% slopes (Figure 4).

Edna soils are residual soils largely associated with uplands with parent material of Late Pleistocene age. The typical soil profile of Edna series soils is:

- 0 to 9 inches – fine sandy loam
- 9 to 38 inches – clay
- 38 to 50 inches – clay
- 50 to 65 inches – clay loam

Bernard and Bernard-Edna complex soils have similar pedon, both being associated with meander scrolls of Late Pleistocene parent material. The typical soil profile of Bernard and Bernard-Edna is:

- 0 to 8 inches – clay loam
- 8 to 48 inches – clay
- 48 to 60 inches – clay loam

All three soils characteristically terminate Holocene deposits in mottled compact clays of Late Pleistocene age.

Underlying geology in the project area consists of Beaumont formation Quaternary-aged sandy clays, reflected in the bottom portion of the Edna and Bernard soils, as described above.

Considering the projected depth of soils and the shallow occurrence of Beaumont formation deposits within the APE, there is potential for moderately deeply buried archeological deposits.

FIELD METHODS

The survey will consist of a pedestrian archeological survey involving careful examination of the ground surface and existing subsurface exposures. Up to 87 shovel tests will be excavated within the area of potential effect. This translates to an effective coverage rate of 32 tests per linear mile with an APE of 100 feet or less per side, necessitating two transects, one on each side of the stream. The stream channel and banks will be visually inspected as part of the pedestrian survey.

All tests will be manually excavated in 20 centimeter levels to 80 centimeters below the surface, or to pre-cultural Beaumont formation deposits, whichever is higher. Tests will be 30 centimeters in diameter and all excavated sediments will be screened through ¼-inch mesh; artifacts will be field inventoried and returned to the location in which they were found. The locations of all shovel tests will be recorded using a hand-held GPS receiver. Tests containing prehistoric or historic artifacts (exclusive of recent debris) will be further investigated with additional tests placed at 5 and then 10 meter-intervals; any location with more than two positive tests or with more than two different types of artifacts in the same test (ceramics, lithics, etc.) will be designated as an archeological site.

Backhoe trenching is proposed because the proposed undertaking will involve significant ground disturbance below the maximum depth of shovel testing. Up to 18 trenches are recommended along the 2.75-mile (4600-meter) APE. Both creek banks will be investigated with multiple trenches spaced approximately 500 m apart on each bank. Trenches will be excavated to ca. 2 m below the modern ground surface and will be immediately backfilled upon recordation. Each trench will be inspected for buried archeological material, photographed, sketched, and soil strata will be described.

Artifacts encountered in the survey will be described and photographed and then returned to their original location; no artifacts will be collected. All new sites will be assigned a temporary field number and will be recorded on State of Texas forms, photographed, sketch mapped, and plotted on the USGS topographic quadrangle. Following field work, sites will be logged with the registry at the Texas Archeological Research Laboratory and will be assigned a permanent site number.

Because the project will receive federal funds, it must comply with regulations stipulated in Section 106 of the National Historic Preservation Act of 1966, as amended. AmaTerra will prepare a Request for SHPO Consultation form for submission to the Texas

*PLAN FOR AN ARCHEOLOGICAL SURVEY OF A 2.75-MILE SEGMENT OF TRES PALACIOS CREEK
AT THE CITY OF EL CAMPO, WHARTON COUNTY, TEXAS*

Historical Commission. The form will include information on cultural resources within the proposed project's area of potential effects (APE), which for archeology will be the area of ground disturbance and for historic resources will be the boundaries of parcels adjacent to the area of construction, as indicated by THC reviewer Linda Henderson via personal communication on March 26, 2012.

For historic resources, where rights of entry have been granted or where the resources can be seen from public rights-of-way, AmaTerra will perform a historic resources reconnaissance survey to identify and document buildings, structures, and objects within the historical APE. AmaTerra will apply the National Register of Historic Places (NRHP) Criteria of Eligibility to these resources to assess their significance. AmaTerra will then apply the Criteria of Adverse Effect to any resources that are recommended as NRHP-eligible.

AmaTerra will prepare a complete technical report, describing the work accomplished, and presenting the technical results. All archeological sites will be fully described, illustrated and evaluated and explicit management recommendations will be provided regarding eligibility for State Archeological Landmark designation and listing in the National Register of Historic Places.

The results of the investigation will be compiled into a professional report as required under Chapter 26 of the THC's Rules of Practice and Procedure. The report will describe the project area conditions and cultural background, existing and newly-documented sites (including newly-produced site trinomials), ownership of the site properties and SAL eligibility of these sites based on the requirements of 13 TAC 26.5(35), 13 TAC 26.20(1) and 13 TAC 26.20(2). This report will be submitted to the THC for review and comment. All archeological sites located during the survey will be recorded at TARL, and any specific site-related photographs, and records will be curated at that facility according to their standards. No artifacts will be collected. Upon acceptance of the draft report by the THC, the final report will be prepared to satisfy the conditions of the permit.

References

McEwen, Harry F. and Jack Crout
1974 Soil Survey of Wharton County, Texas. United States Department of Agriculture Soil Conservation Service (USDA-SCS) in cooperation with the Texas Agricultural Experiment Station.

PLAN FOR AN ARCHEOLOGICAL SURVEY OF A 2.75-MILE SEGMENT OF TRES PALACIOS CREEK
AT THE CITY OF EL CAMPO, WHARTON COUNTY, TEXAS

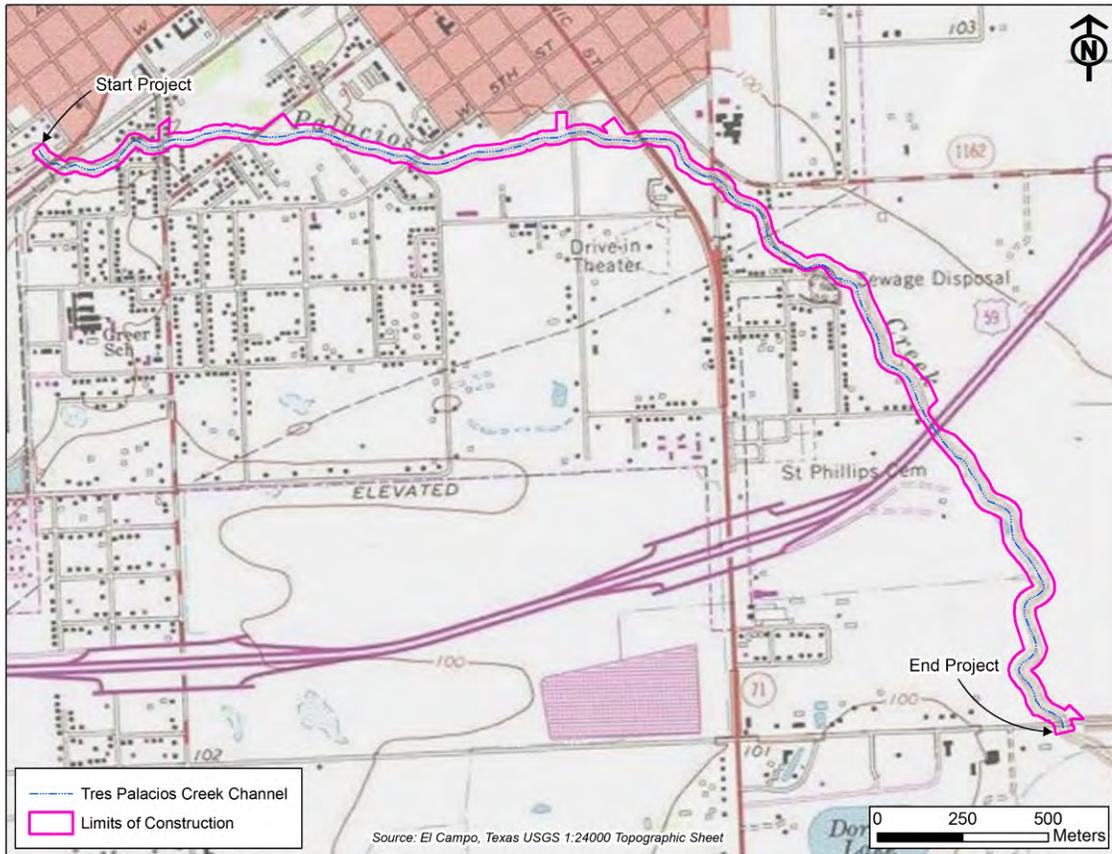


Figure 1. Project Area on El Campo, Texas 1:24,000 topographic sheet.

PLAN FOR AN ARCHEOLOGICAL SURVEY OF A 2.75-MILE SEGMENT OF TRES PALACIOS CREEK AT THE CITY OF EL CAMPO, WHARTON COUNTY, TEXAS



Figure 2. Project Area on aerial photograph.

PLAN FOR AN ARCHEOLOGICAL SURVEY OF A 2.75-MILE SEGMENT OF TRES PALACIOS CREEK
AT THE CITY OF EL CAMPO, WHARTON COUNTY, TEXAS

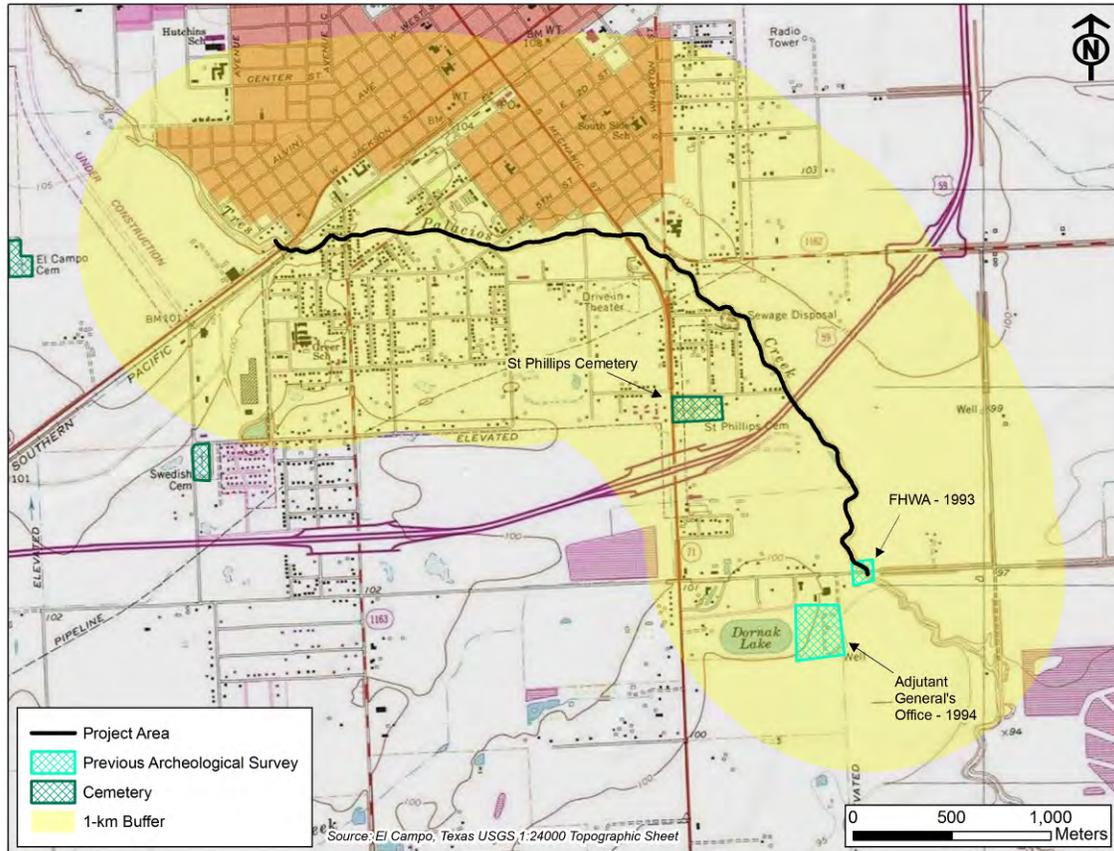


Figure 3. Previous archeological surveys on El Campo, Texas 1:24,000 topographic sheet.

PLAN FOR AN ARCHEOLOGICAL SURVEY OF A 2.75-MILE SEGMENT OF TRES PALACIOS CREEK
AT THE CITY OF EL CAMPO, WHARTON COUNTY, TEXAS

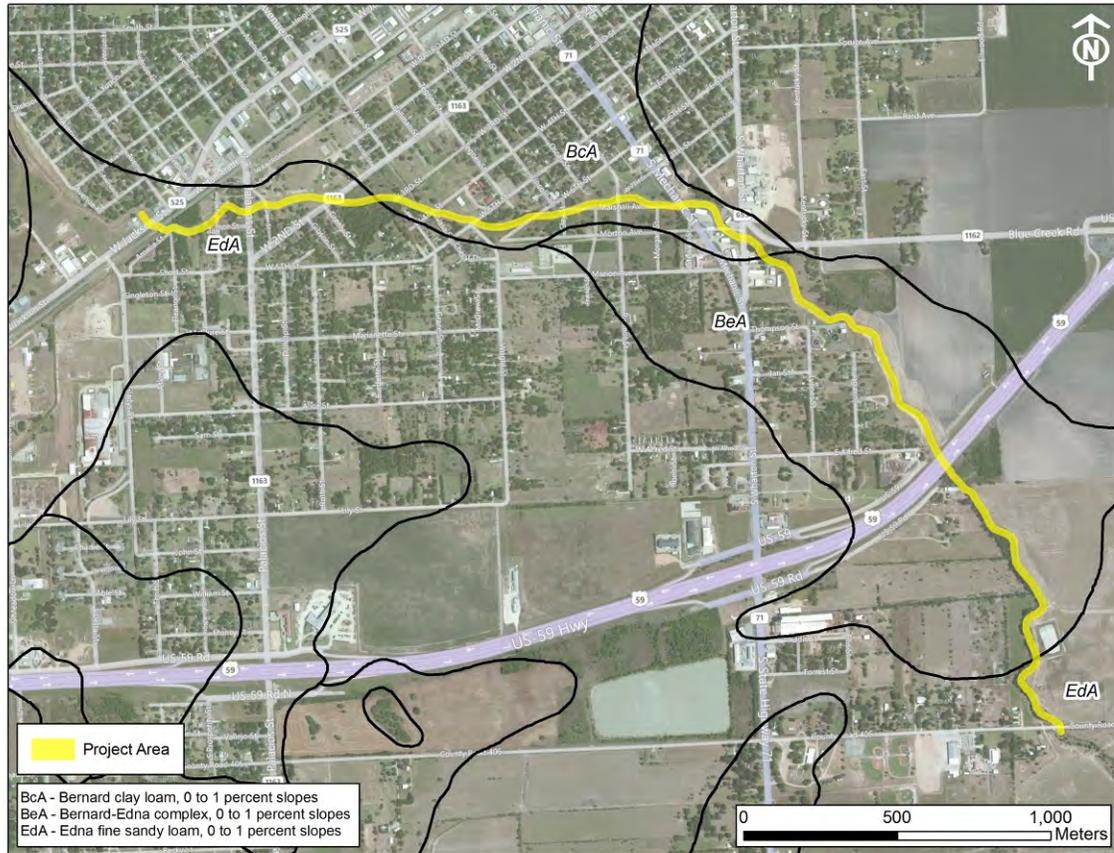


Figure 4. Soils within project area on aerial photograph.

TEXAS HISTORICAL COMMISSION

real places telling real stories

April 6, 2012

Mr. Joel Butler
AmaTerra Environmental, Inc.
4009 Banister Lane, Suite 300
Austin, TX 78704

Re: Project review under the Antiquities Code of Texas
Survey of 2.75 – Mile Segment of Tres Palacios Creek, City of El Campo, Wharton County
Texas Antiquities Permit Application #6217

Dear Colleague:

Thank you for your Antiquities Permit Application for the above referenced project. This letter presents the final copy of the permit application from the Executive Director of the Texas Historical Commission, the state agency responsible for administering the Antiquities Code of Texas.

Please keep this copy for your records. The Antiquities Permit investigations requires the production and submittal of one printed copy of the final report, a completed abstract form submitted via our online system, two copies of the final report on a tagged PDF CD (one with site location information & one without), and verification that any artifacts recovered and records produced during the investigations are curated at the repository listed in the permit. The abstract form maybe submitted via the THC website (www.thc.state.tx.us) or use url: <https://106.thc.state.tx.us:4444/Abstract/Secure/index.aspx>.

We would also like to request that shapefiles showing the boundaries of the project area and the areas actually surveyed be submitted via email to archeological_projects@thc.state.tx.us.

If you have any questions concerning this permit or if we can be of further assistance, please contact Lillie Thompson at 512/463-1858. The reviewer for this project is Jeff Durst, 512/463-6096.

Sincerely,



for
Mark Wolfe
Executive Director

MW/lft

Enclosures

Cc: Mindi Snyder, City of El Campo



State of Texas
TEXAS ANTIQUITIES COMMITTEE

ARCHEOLOGY PERMIT # 6217

This permit is issued by the Texas Historical Commission, hereafter referred to as the Commission, represented herein by and through its duly authorized and empowered representatives. The Commission, under authority of the Texas Natural Resources Code, Title 9, Chapter 191, and subject to the conditions hereinafter set forth, grants this permit for:

Intensive Survey

To be performed on a potential or designated landmark or other public land known as:

Title: 2.75-Mile Segment of Tres Palacios Creek, El Campo, Texas

County: Wharton

Location: El Campo, Texas

Owned or Controlled by: (hereafter known as the Permittee):

City of El Campo

315 East Jackson

El Campo, TX 77437

Sponsored by (hereafter known as the Sponsor

City of El Campo

315 East Jackson

El Campo, TX 77437

The Principal Investigator/Investigation Firm representing the Owner or Sponsor is:

Joel B. Butler

AmaTerra Environmental, Inc.

4009 Banister Lane, Suite 300

Austin, TX 78704

This permit is to be in effect for a period of:

4 Years and 0 Months

and Will Expire on:

04/03/2016

During the preservation, analysis, and preparation of a final report or until further notice by the Commission, artifacts, field notes, and other data gathered during the investigation will be kept temporarily at:

AmaTerra Environmental, Inc.

Upon completion of the final permit report, the same artifacts, field notes, and other data will be placed in a permanent curatorial repository at:

Texas Archeological Research Lab.

Scope of Work under this permit shall consist of:

An intensive pedestrian archaeological survey with shovel testing of high probability areas that meets or exceeds the State Archeological Survey Standards for Texas. This includes, subsurface shovel testing of pedestrian survey transects and mechanical testing in appropriate alluvial areas. For details, see scope of work submitted with permit application.

ARCHEOLOGY PERMIT # 6217

This permit is granted on the following terms and conditions:

- 1) This project must be carried out in such a manner that the maximum amount of historic, scientific, archeological, and educational information will be recovered and preserved and must include the scientific, techniques for recovery, recording, preservation and analysis commonly used in archeological investigations. All survey level investigations must follow the state survey standards and the THC survey requirements established with the projects sponsor(s).
- 2) The Principal Investigator/Investigation Firm, serving for the Owner/Permittee and/or the Project Sponsor, is responsible for insuring that specimens, samples, artifacts, materials and records that are collected as a result of this permit are appropriately cleaned, and cataloged for curation. These tasks will be accomplished at no charge to the Commission, and all specimens, artifacts, materials, samples, and original field notes, maps, drawings, and photographs resulting from the investigations remain the property of the State of Texas, or its political subdivision, and must be curated at a certified repository. Verification of curation by the repository is also required, and duplicate copies of any requested records shall be furnished to the Commission before any permit will be considered complete.
- 3) The Principal Investigator/Investigation Firm serving for the Owner/Permittee, and/or the Project Sponsor is responsible for the publication of results of the investigations in a thorough technical report containing relevant descriptions, maps, documents, drawings, and photographs. A draft copy of the report must be submitted to the Commission for review and approval. Any changes to the draft report requested by the Commission must be made or addressed in the report, or under separate written response to the Commission. Once a draft has been approved by the Commission, one (1) printed, unbound copy of the final report containing at least one map with the plotted location of any and all sites recorded and two copies of the report in tagged PDF format on an archival quality CD or DVD shall be furnished to the commission. One copy must include the plotted location of any and all sites recorded and the other should not include the site location data. A paper copy and an electronic copy of the completed Abstracts in Texas Contract Archeology Summary Form must also be submitted with the final report to the Commission. (Printed copies of forms are available from the Commission or also online at www.thc.state.tx.us.)
- 4) If the Owner/Permittee, Project Sponsor or Principal Investigator/Investigation Firm fails to comply with any of the Commission's Rules of Practice and Procedure or with any of the specific terms of this permit, or fails to properly conduct or complete this project within the allotted time, the permit will fall into default status. A notification of Default status shall be sent to the Principal Investigator/Investigation Firm, and the Principal Investigator will not be eligible to be issued any new permits until such time that the conditions of this permit are complete or, if applicable, extended.
- 5) The Owner/Permittee, Project Sponsor, and Principal Investigator/Investigation Firm, in the conduct of the activities hereby authorizes, must comply with all laws, ordinances and regulations of the State of Texas and of its political subdivisions including, but not limited to, the Antiquities Code of Texas; they must conduct the investigation in such a manner as to afford protection to the rights of any and all lessees or easement holders or other persons having an interest in the property and they must return the property to its original condition insofar as possible, to leave it in a state which will not create hazard to life nor contribute to the deterioration of the site or adjacent lands by natural forces.
- 6) Any duly authorized and empowered representative of the Commission may, at any time, visit the site to inspect the fieldwork as well as the field records, materials, and specimens being recovered.
- 7) For reasons of site security associated with historical resources, the Project Sponsor (if not the Owner/Permittee), Principal Investigator, Owner, and Investigation Firm shall not issue any press releases, or divulge to the news media, either directly or indirectly, information regarding the specific location of, or other information that might endanger those resources, or their associated artifacts without first consulting with the Commission, and the State agency or political subdivision of the State that owns or controls the land where the resource has been discovered.
- 8) This permit may not be assigned by the Principal Investigator/Investigation Firm, Owner/Permittee, or Project Sponsor in whole, or in part to any other individual, organization, or corporation not specifically mentioned in this permit without the written consent of the Commission.
- 9) Hold Harmless: The Owner/Permittee hereby expressly releases the State and agrees that Owner/Permittee will hold harmless, indemnify, and defend (including reasonable attorney's fees and cost of litigation) the State, its officers, agents, and employees in their official and/or individual capacities from every liability, loss, or claim for damages to persons or property, direct or indirect of whatsoever nature arising out of, or in any way connected with, any of the activities covered under this permit. The provisions of this paragraph are solely for the benefit of the State and the Texas Historical Commission and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.
- 10) Addendum: The Owner/Permittee, Project Sponsor and Principal Investigator/Investigation Firm must abide by any addenda hereto attached.

Upon a finding that it is in the best interest of the State, this permit is issued on 04/03/2012.


Pat Mercado-Allinger, for the
Texas Historical Commission



July 25, 2012

Mark Wolfe, State Historic Preservation Officer
Texas Historical Commission
Archeology Division
P.O. Box 12276
Austin, Texas 78701

RE: Permit #6217 - *Cultural Resource Survey along Tres Palacios Creek in El Campo, Wharton County, Texas* - for review under Section 106 and the Antiquities Code of Texas.

Attn: Jeff Durst

Dear Mark,

AmaTerra Environmental, Inc. is pleased to submit one copy of the draft report entitled *Cultural Resource Survey Along Tres Palacios Creek in El Campo, Wharton County, Texas*.

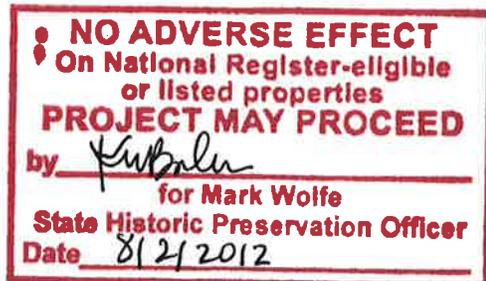
The total survey area included approximately 2.75 miles along Tres Palacios Creek, measuring 120 to 150 wide (totaling 45 acres of direct and 79 acres of indirect effects). The survey was conducted in advance of proposed drainage improvements along the creek channel which will significantly decrease flooding within and adjacent to the City of El Campo.

This draft report documents all cultural resources work performed under TAC Permit 6217. The survey recorded no new archeological sites. Seven historic sites were identified as part of the historical resources survey, one of which (Wesley United Methodist Church) is recommended as eligible for listing on the National Register of Historic Places.

AmaTerra recommends that no further work is warranted along any portion of the Tres Palacios Creek project area. Please call me at 512-329-0031 if you have any questions or comments.

Sincerely,

Joel Butler
Principal Investigator



THC Track #201212298