# Appendix A Comments and Responses on Plan-EA

| NRCS RECORD OF NHPA CONSULTATIONS | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **PROJECT/REASON FOR INITIATING CONSULTATION:** Section 106 for Kickapoo Creek 4 and 5 | | | | | | | | | |
| **PROGRAM:** Watershed Rehabilitation Program (REHAB) | | | | | | | | | |
| **SHPO/ FEDERALLY RECOGNIZED TRIBE** | **MAIL CONTACT(S) NAME AND ADDRESS(S)** | **DATE CONSULTATION INVITATION PACKAGE MAILED BY NRCS(1)** | **DATE CONSULTATION INVITATION PACKAGE RECEIVED BY TRIBE** | **RESPONSE TO CONSULTATION INVITATION PACKAGE (INCLUDE FORM [LETTER, PHONE CALL, E-MAIL, ETC.], DATE, RESPONDENT NAME, AND RESPONSE)** | **FOLLOW-UP CONTACT NAME, E-MAIL ADDRESS, PHONE NUMBER** | **DATE FOLLOW-UP ATTEMPTED OR MADE** | **PHONE CALL NOTES** | **RESPONSE TO FOLLOW-UP CONTACT (INCLUDE FORM [LETTER, PHONE CALL, E-MAIL, ETC.], DATE, RESPONDENT NAME, AND RESPONSE)** | **DATE NHPA CONSULTATION COMPLETE** |
| SHPO/Texas Historical Commission | Mark Wolfe,<br>State Historic Preservation Officer, THC<br>P.O. Box 12276<br>Austin, TX 78711-2276 | 3/2021 | Certified Tracking Card received by NRCS 3/2021 | Certified mail tracking card returned with signature of receipt | Main: 512-463-6100<br>Main: thc@thc.texas.gov | 3/26/2021 THC issued Antiquities Permit No. 30086 | NA | Concurrence on NRCS determinations of eligibility and effect | 7/12/2021 |
| Apache Tribe of Oklahoma | Chairman Durrel Cooper<br>and<br>Darrin Cisco (Cultural Coordinator)<br>PO Box 1330 Anadarko, OK 73005 | 7/12/2022 | Certified Tracking Card received by NRCS 7/15/2022 | No response to initial invitation. | prefers apacheculture510@yahoo.com but can get mail at darrin.cisco@apachetribe.org 405-933-7701 | 5/3/2024, Emailed signed initiation and determination letters | NA | No response yet to initial letter nor follow-up email. | 6/3/2024 |
| Comanche Nation of Oklahoma | Chairman William Nelson, Sr. and Martina Minthorn<br>Comanche Tribal Business Committee<br>PO Box 908 Lawton, OK 73502<br>and<br>THPO Ted Vilicana, c/o Historic Preservation Office<br>6 SW D avenue Suite C Lawton, OK 73501 | 7/12/2022 | Certified Tracking Card received by NRCS 7/15/2022 | No response to initial invitation. | martinac@comanchenation.com 580-492-1153 | 5/3/2024, Emailed signed initiation and determination letters | NA | No response yet to initial letter nor follow-up email. | 6/3/2024 |
| Kiowa Indian Tribe of Oklahoma | Chairman Matt Komalty<br>Kiowa Business Committee PO Box 369 Carnegie, OK 73015<br>and<br>Acting THPO Kellie J. Lewis<br>Compliance Office PO Box 50 Carnegie OK 73015 | 7/12/2022 | Certified Tracking Card received by NRCS 7/15/2022 | No response to initial invitation. | THPO@kiowatribe.org 580-654-2300 | 5/3/2024, Emailed signed initiation and determination letters | NA | No response yet to initial letter nor follow-up email. | 6/3/2024 |
| Tonkawa Tribe of Indians of Oklahoma | President Russell Martin<br>and<br>THPO Lauren Norman-Brown<br>Historical Preservation Office 1 Rush Buffalo Road Tonkawa, OK 74653-4449 | 7/12/2022 | Certified Tracking Card received by NRCS 7/15/2022 | No response to initial invitation. | lbrown@tonkawatribe.com 580-628-2561 ext. 214 | 5/3/2024, Emailed signed initiation and determination letters | NA | No response yet to initial letter nor follow-up email. | 6/3/2024 |
| Wichita and Affiliated Tribes | President Terri Parton<br>and THPO Robin Williams<br>P.O. Box 729 Anadarko, OK 73005 | 7/12/2022 | Certified Tracking Card received by NRCS 7/15/2022 | No response to initial invitation. | robin.williams@wichitatribe.com<br>gary.mcadams@wichitatribe.com<br>mary.botone@wichitatribe.com 405-247-2425 ext. 200 (Robin), | 5/3/2024, Emailed signed initiation and determination letters | NA | No response yet to initial letter nor follow-up email. | 6/3/2024 |

(1) Initial consultation invitation packages should be sent by certified mail, return receipt requested unless a Tribal Government official specifies otherwise. Title 190, 315.8.F(1) provides specific guidance on this issue. Return receipt requested, although not specified in 315.8.F(1), allows us to get a receipt with a date and signature. 315.8.F(1)(ii) instructs to send a pdf version of the consultation invitation package by email after the certified mail package has been sent. Although not specified, attaching a read receipt request to all official consultation emails allows us to get confirmation of receipt. Boyer update January 23, 2023.

## A-1 Tribal Consultation Correspondence

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Darrin Cisco, Cultural Coordinator
Apache Tribe of Oklahoma
Post Office Box 1330
Anadarko, Oklahoma 73005

Dear Mr. Cisco:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

NRCS is providing technical and financial assistance in conjunction with the Texas State Soil and Water Conservation Board (TSSWCB) and local sponsors, including the Coke County Soil and Water Conservation District and the Kickapoo Water Control and Improvement District #1 to prepare a Supplemental Watershed Plan to evaluate rehabilitation alternatives for Kickapoo Creek Watershed Floodwater Retarding Structures (FRSs) 4 and 5 (FRS No. 4 and FRS No. 5) in Coke County, Texas.

AECOM Technical Services, Inc. (AECOM) conducted a cultural resources survey of the study area for each FRS from April 8 – 13, 2021, under Texas Antiquities Permit Number 30086, requiring approximately 96 person hours to complete. The survey consisted of a pedestrian visual inspection supplemented with the excavation of 159 shovel tests. Three prehistoric archeological sites (41CK333, 41CK334, and 41CK335), three historic resources (Resource 001, Resource 002, and Resource 003), and four isolated finds (IF) were identified during the survey. Each of the archeological sites has been variably impacted from the construction and continued use of the dam facilities, erosion and natural weathering, and the site components were found to be resting on the disturbed and eroded surfaces or within very shallow soils. Based on field results, these sites do not exhibit integrity and are therefore not likely to yield information important to prehistory. AECOM recommended the portions of these sites within the study area are not eligible for listing in the National Register of Historic Places (NRHP) and do not merit designation as State Antiquities Landmarks (SALs). Three historic-age resources, including FRS No. 4 (Resource 001), FRS No. 5 (Resource 002), and a livestock shelter and corral (Resource 003) were also identified. Based on a review by an architectural historian, these three resources do not meet the NRHP criteria of eligibility and are therefore recommended as not eligible for listing in the NRHP. Four prehistoric isolated finds (IF-1 through IF-4) were also identified during the survey and are recommended as not eligible for the NRHP or for SAL designation. A geomorphological assessment revealed that

neither study area exhibits the potential to contain deeply buried archeological materials, and as such, no backhoe trenching is recommended.

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Please reply with whether you are interested in participating in consultation regarding this project and assist us in identifying whether there are any culturally or religiously significant places, or other Tribal interests, we should be aware of that might be affected by this project.

In responding, please refer to Cultural Resource Review Request: 20_0304_081_FRS_ Kickapoo4-5. The point of contact for reply or further information is Angela Moody, Archaeologist/Cultural Resource Specialist angela.moody@usda.gov, 830-719-5750 or by mail to the address above within our planned review period of 30 days of receiving this letter. Thank you in advance for your assistance and timely reply to this request.

Sincerely,

Kristy Oates

KRISTY OATES
State Conservationist

Enclosure

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Durell Cooper, Chairman
Apache Tribe of Oklahoma
Post Office Box 1330
Anadarko, Oklahoma 73005

Dear Mr. Cooper:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

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Sincerely,

Kristy Oates

KRISTY OATES
State Conservationist

Enclosure

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Matt Komalty, Chairman
Kiowa Indian Tribe of Oklahoma
Kiowa Business Committee
Post Office Box 369
Carnegie Oklahoma 73015

Dear Mr. Komalty:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

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State Conservationist

Enclosure

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W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Kellie J. Lewis, Acting THPO
Kiowa Indian Tribe of Oklahoma
Compliance Office
Post Office Box 50
Carnegie Oklahoma 73015

Dear Ms. Lewis:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

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Sincerely,

Kristy Oates

KRISTY OATES
State Conservationist

Enclosure

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Russell Martin, President
Tonkawa Tribe of Indians of Oklahoma
Historical Preservation Office
1 Rush Buffalo Road
Tonkawa, Oklahoma 74653-4449

Dear Mr. Martin:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

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101 South Main Street
Temple, TX 76501

July 6, 2022

Martina Minthorn, THPO
Comanche Nation of Oklahoma
Post Office Box 908
Lawton, Oklahoma 73502

Dear Ms. Minthorn:

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Enclosure

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July 6, 2022

William Nelson, Sr., Chairman
Comanche Nation of Oklahoma
Post Office Box 908
Lawton, Oklahoma 73502

Dear Mr. Nelson:

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Please reply with whether you are interested in participating in consultation regarding this project and assist us in identifying whether there are any culturally or religiously significant places, or other Tribal interests, we should be aware of that might be affected by this project.

In responding, please refer to Cultural Resource Review Request: 20_0304_081_FRS_ Kickapoo4-5. The point of contact for reply or further information is Angela Moody, Archaeologist/Cultural Resource Specialist angela.moody@usda.gov, 830-719-5750 or by mail to the address above within our planned review period of 30 days of receiving this letter. Thank you in advance for your assistance and timely reply to this request.

Sincerely,

Kristy Oates

KRISTY OATES
State Conservationist

Enclosure

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Lauren Norman-Brown, THPO
Tonkawa Tribe of Indians of Oklahoma
Historical Preservation Office
1 Rush Buffalo Road
Tonkawa, Oklahoma 74653-4449

Dear Ms. Norman-Brown:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

NRCS is providing technical and financial assistance in conjunction with the Texas State Soil and Water Conservation Board (TSSWCB) and local sponsors, including the Coke County Soil and Water Conservation District and the Kickapoo Water Control and Improvement District #1 to prepare a Supplemental Watershed Plan to evaluate rehabilitation alternatives for Kickapoo Creek Watershed Floodwater Retarding Structures (FRSs) 4 and 5 (FRS No. 4 and FRS No. 5) in Coke County, Texas.

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Sincerely,

Kristy Oates

KRISTY OATES
State Conservationist

Enclosure

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Terri Parton, President
Wichita and Affiliated Tribes
Post Office Box 729
Anadarko, Oklahoma 73005

Dear Ms. Parton:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

NRCS is providing technical and financial assistance in conjunction with the Texas State Soil and Water Conservation Board (TSSWCB) and local sponsors, including the Coke County Soil and Water Conservation District and the Kickapoo Water Control and Improvement District #1 to prepare a Supplemental Watershed Plan to evaluate rehabilitation alternatives for Kickapoo Creek Watershed Floodwater Retarding Structures (FRSs) 4 and 5 (FRS No. 4 and FRS No. 5) in Coke County, Texas.

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Please reply with whether you are interested in participating in consultation regarding this project and assist us in identifying whether there are any culturally or religiously significant places, or other Tribal interests, we should be aware of that might be affected by this project.

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Sincerely,

KRISTY OATES
State Conservationist

Enclosure

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Ivy Smith, Assistant
Kiowa Indian Tribe of Oklahoma
Compliance Office
Post Office Box 50
Carnegie Oklahoma 73015

Dear Ms. Smith:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

NRCS is providing technical and financial assistance in conjunction with the Texas State Soil and Water Conservation Board (TSSWCB) and local sponsors, including the Coke County Soil and Water Conservation District and the Kickapoo Water Control and Improvement District #1 to prepare a Supplemental Watershed Plan to evaluate rehabilitation alternatives for Kickapoo Creek Watershed Floodwater Retarding Structures (FRSs) 4 and 5 (FRS No. 4 and FRS No. 5) in Coke County, Texas.

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Sincerely,

Kristy Oates

KRISTY OATES
State Conservationist

Enclosure

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Ted Vilicana
c/o Historic Preservation Office
Comanche Nation of Oklahoma
6 SW D Avenue, Suite C
Lawton, Oklahoma 73501

Dear Mr. Vilicana:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

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Sincerely,

Kristy Oates

KRISTY OATES
State Conservationist

Enclosure

USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
USDA NRCS
W.R. Poage Federal Building
101 South Main Street
Temple, TX 76501

July 6, 2022

Robin Williams, THPO
Wichita and Affiliated Tribes
c/o Mary Boton
Post Office Box 729
Anadarko, Oklahoma 73005

Dear Ms. Williams:

While the Natural Resource Conservation Service (NRCS) Texas works to build a relationship with your Tribe through establishing Tribal consultation protocols, I would like to invite your Tribe to consult over whether a proposed project on private lands might impact any of your Tribe's places of cultural or religious significance, National Historic Preservation Act (NHPA) historic properties, and other Tribal interests. I recognize your Tribal expertise and sovereignty, as well as the importance of your Tribe's interests on ancestral lands.

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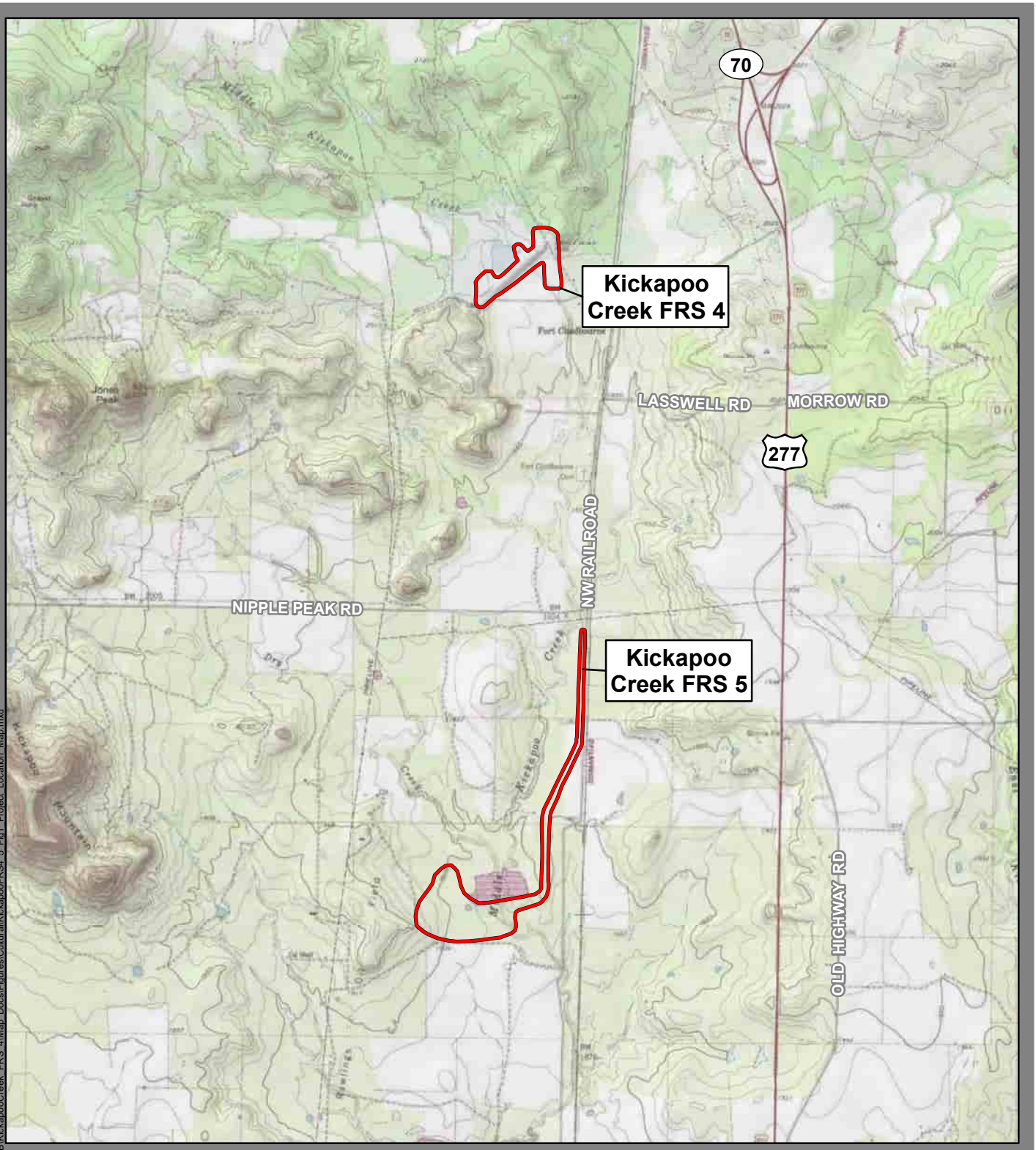
Sincerely,

KRISTY OATES
State Conservationist

Enclosure




Study Area



# Project Location Map

Kickapoo Creek FRS No. 4 and No. 5
Coke County, Texas

N
W E
S

0 500 1,000
Meters

**Data Sources:** Roads - TxDOT 2018; County Boundaries - TIGER 2015
**Basemap:** USGS 7.5-minute Topographic Maps: Blackwell and Bronte Quadrangles

AECOM

June 2022

Author: helen.potter Document Path: M:\Dallas_GIS\Projects\TSSWCB\KickapooCreek_FRS_4\Map_Docs\Figures\Cultural\KickapooFRS4_5_Fig1_Project_Location_Map.mxd

## A-2 Texas Historical Commission Correspondence

**From:** noreply@thc.state.tx.us <noreply@thc.state.tx.us>
**Sent:** Monday, July 12, 2021 12:18 PM
**To:** Ahr, Steve <steve.ahr@aecom.com>; reviews@thc.state.tx.us
**Subject:** [EXTERNAL] Section 106 Submission


**Re:** Project Review under Section 106 of the National Historic Preservation Act
**THC Tracking #202111549**
**Date:** 07/12/2021
Kickapoo Creek FRS 4 and 5 Survey
Coke County
Other City,TX

**Description:** Cultural resources survey for the rehabilitation of two Floodwater Retarding Structures (No. 4 and 5) within the Kickapoo Creek Watershed in Coke County, Texas

Dear Steven Ahr:
Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff, led by Caitlin Brashear, Drew Sitters, has completed its review and has made the following determinations based on the information submitted for review:

## Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

**Archeology Comments**

- No adverse effects on historic properties.
- THC/SHPO concurs with information provided.
- Property/properties are not eligible for listing in the National Register of Historic Places.
- This draft report is acceptable. Please submit a final report: one restricted version with any site location information (if applicable), and one public version with all site location information redacted. To facilitate review and make project information and final reports available through the Texas Archeological Sites Atlas, we appreciate submitting abstracts online at http://xapps.thc.state.tx.us/Abstract and e-mailing survey area shapefiles to archeological_projects@thc.texas.gov if this has not already occurred. Please note that these steps are required for projects conducted under a Texas Antiquities Permit.

We have the following comments: Please address the following comments in the final report: 1) Page 4-1, Archeological Survey, Paragraph 2, please describe the methods used to systematically examine the surface for archeological materials (e.g., spacing between transects); 2) Page 4-1, Archeological Survey, Paragraph 2, Sentence 5, "Shovel testing was precluded in upland or erosional settings with exposed bedrock; on slopes greater than 20 percent; and areas with significant ground disturbance." Please note that according to the CTA Intensive Terrestrial Survey Guidelines, "A minimum of one ST must be excavated and photo-documented for each excluded area, regardless of surface visibility, to assess the potential for buried deposits where artifacts may not be visible on the surface and/or demonstrate the nature and extent of significant ground disturbance."; 3) Page 4-2, Site Recording and Assessment, Paragraph 4, "Under 13 TAC 26.10, an archeological site under the ownership or control of the State of Texas may merit official designation as a SAL if one of the following criteria applies…" Please note that State Antiquities Landmarks may also be located, owned, and/or controlled by a private individual or entity (see TAC Title 13, Part 2, Chapter 26, Subchapter B, Rule §26.9); 4) Due to Study Area constraints, the newly recorded archeological sites were not delineated outside of the Study Area. Furthermore, it was reported that the sites may extend outside of the Study Area (see Page 5-10, Site 41CK333, Paragraph 2, Sentence 5). Therefore, all eligibility recommendations should be made for that portion of the site within the Area of Potential Effects (APE). Please revise all recommendations to read "ineligible/not eligible within the APE". This revision should also be made in the Management Summary (see Page MS-1, Paragraph 2) and Summary and Recommendations (see Page 6-1, Paragraph 3); 5) Page 5-43, Figure 65, unable to locate ST-35S30 on the site map (see Figure 54); and 6) Please identify the geoarcheologist who conducted the geomorphological assessment.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: caitlin.brashear@thc.texas.gov, drew.sitters@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your

submissions. For more information, visit http://thc.texas.gov/etrac-system.

Sincerely,

for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

**Please do not respond to this email.**

## Dorrance, Clifton

**From:** Ahr, Steve
**Sent:** Thursday, July 15, 2021 12:06 PM
**To:** Kimball, Clint
**Cc:** Dorrance, Clifton; Irvin, Jeff
**Subject:** FW: [EXTERNAL] Section 106 Submission

We received cultural resources clearance for Kickapoo 4/5.

-Steve

---

**From:** noreply@thc.state.tx.us <noreply@thc.state.tx.us>
**Sent:** Monday, July 12, 2021 12:18 PM
**To:** Ahr, Steve <steve.ahr@aecom.com>; reviews@thc.state.tx.us
**Subject:** [EXTERNAL] Section 106 Submission


**Re:** Project Review under Section 106 of the National Historic Preservation Act
**THC Tracking #202111549**
**Date:** 07/12/2021
Kickapoo Creek FRS 4 and 5 Survey
Coke County
Other City,TX

**Description:** Cultural resources survey for the rehabilitation of two Floodwater Retarding Structures (No. 4 and 5) within the Kickapoo Creek Watershed in Coke County, Texas

Dear Steven Ahr:
Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff, led by Caitlin Brashear, Drew Sitters, has completed its review and has made the following determinations based on the information submitted for review:

### Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

**Archeology Comments**

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- THC/SHPO concurs with information provided.
- Property/properties are not eligible for listing in the National Register of Historic Places.
- This draft report is acceptable. Please submit a final report: one restricted version with any site location information (if applicable), and one public version with all site location information redacted. To facilitate review and make project information and final reports available through the Texas Archeological Sites Atlas, we appreciate submitting abstracts online at http://xapps.thc.state.tx.us/Abstract and e-mailing survey area shapefiles to archeological_projects@thc.texas.gov if this has not already occurred. Please note that these steps are required for projects conducted under a Texas Antiquities Permit.

We have the following comments: Please address the following comments in the final report: 1) Page 4-1, Archeological Survey, Paragraph 2, please describe the methods used to systematically examine the surface for archeological materials (e.g., spacing between transects); 2) Page 4-1, Archeological Survey, Paragraph 2, Sentence 5, "Shovel testing was precluded in upland or erosional settings with exposed bedrock; on slopes greater than 20 percent; and areas with significant ground disturbance." Please note that according to the CTA Intensive Terrestrial Survey Guidelines, "A minimum of one ST must be excavated and photo-documented for each excluded area, regardless of surface visibility, to assess the potential for buried deposits where artifacts may not be visible on the surface and/or demonstrate the nature and extent of significant ground disturbance."; 3) Page 4-2, Site Recording and Assessment, Paragraph 4, "Under 13 TAC 26.10, an archeological site under the ownership or control of the State of Texas may merit official designation as a SAL if one of the following criteria applies…" Please note that State Antiquities Landmarks may also be located, owned, and/or controlled by a private individual or entity (see TAC Title 13, Part 2, Chapter 26, Subchapter B, Rule §26.9); 4) Due to Study Area constraints, the newly recorded archeological sites were not delineated outside of the Study Area. Furthermore, it was reported that the sites may extend outside of the Study Area (see Page 5-10, Site 41CK333, Paragraph 2, Sentence 5). Therefore, all eligibility recommendations should be made for that portion of the site within the Area of Potential Effects (APE). Please revise all recommendations to read "ineligible/not eligible within the APE". This revision should also be made in the Management Summary (see Page MS-1, Paragraph 2) and Summary and Recommendations (see Page 6-1, Paragraph 3); 5) Page 5-43, Figure 65, unable to locate ST-35S30 on the site map (see Figure 54); and 6) Please identify the geoarcheologist who conducted the geomorphological assessment.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: caitlin.brashear@thc.texas.gov, drew.sitters@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit http://thc.texas.gov/etrac-system.

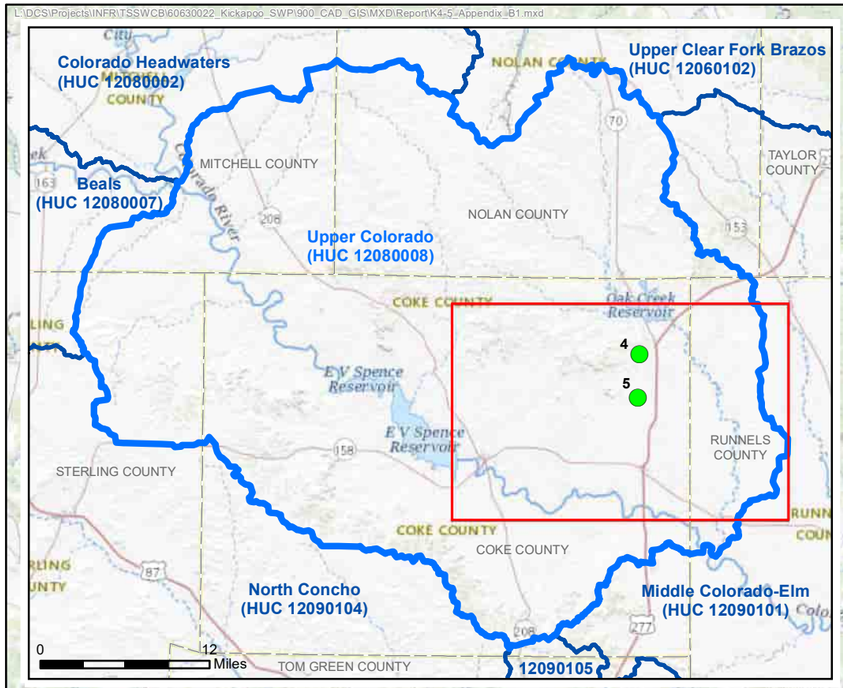
Sincerely,

for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

**Please do not respond to this email.**

# Appendix B Project Map

L:\DCS\Projects\INFR\TSSWCB\60630022_Kickapoo_SWP\900_CAD_GIS\MXD\Report\K4-5_Appendix_B1.mxd




OAK CREEK DAM

ODOM CURRIE
WYLIE ESTATE
LAKE NO 2 DAM

KICKAPOO
CREEK WS SCS
SITE 4 DAM

KICKAPOO
CREEK WS SCS
SITE 1 DAM

KICKAPOO
CREEK WS SCS
SITE 5 DAM

KICKAPOO
CREEK WS SCS
SITE 6 DAM

KICKAPOO
CREEK WS SCS
SITE 3 DAM

KICKAPOO
CREEK WS SCS
SITE 2 DAM

EDWARD RAWLING
UPPER TANK DAM

E RAWLING
LOWER TANK DAM

MOUNTAIN
CREEK DAM

ROBERT
LEE DAM

ROBERT LEE
OLD CITY
LAKE DAM

BRONTE OLD
CITY LAKE DAM

WD COLEMAN
LAKE DAM

# Kickapoo Creek Watershed FRS No. 4 and FRS No. 5 Coke County, Texas

Figure B-1
Kickapoo Creek Watershed
FRS No. 4 and FRS No. 5
Project Map

**Legend**

- Project Location
- NRCS Floodwater Regarding Structures within Study Area
- Other Dam in Vicinity
- Benefitted Area
- Project Watershed
- Upper Colorado Watershed (HUC 12080008)
- Adjacent Watershed

N

0 1.5 Miles

USDA United States Department of Agriculture
Natural Resources Conservation Service