

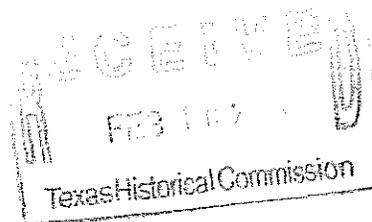


UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

February 5, 2009

Ed Baker  
Texas Historical Commission  
P. O. Box 12276  
Austin, TX 78711-2276

NO SURVEY REQUIRED  
PROJECT MAY PROCEED  
by *William A. Hart*  
for F. Lawrence Oaks  
State Historic Preservation Officer  
for the Greens Bayou Draft DARP/EA  
Track# *3/23/09*



RE: NHPA Coordination for the Greens Bayou Draft DARP/EA

Dear Mr. Baker,

Thank you for your response to NOAA's request for review of compliance with the National Historic Preservation Act of 1966 (NHPA) and the Antiquities Code of Texas for the proposed compensatory restoration projects associated with the release of hazardous substances from the Greens Bayou site in Harris County, TX as described in the Draft Damage Assessment and Restoration Plan/Environmental Assessment for the project. We have reviewed your recommendations and have obtained additional information which we believe address the concerns your office has regarding potential impacts to historic or cultural resources from the implementation of the proposed projects.

In addressing concerns raised in your letter of December 3, 2008, we have determined that a professional cultural resources survey has already been performed at the Baytown Nature Center, which includes the location of the proposed salt marsh creation project. The results of that survey are described in the attached report entitled "Cultural Resource Investigations and Archeological Inventory of the Baytown Nature Center Park, City of Baytown, Harris County, Texas." This survey was undertaken in June 1999 by R. Mahoney, R. Moore, and S. Moss of Moore Archeological Consulting, under Texas Antiquities Permit Number 243.

This survey identifies three intact, potentially significant archeological deposits within the survey area. A comparison of the locations of the three intact archeological deposits (sites 41HR173, 41HR230, and 41HR620) with the location of the proposed project footprint indicates that the proposed work is not in the same location of the archeological deposits and will not impact the deposits. We have attached a figure provided by Crouch Environmental Services, Inc., which identifies the footprint of the proposed salt marsh creation project.

A review of the Texas Historic Commission's online Texas Historic Sites Atlas (see attached figure "Spring Creek Acquisition Site") does not reveal the presence of any historic or cultural resources at the location of the second proposed action (acquisition of forested wetlands adjacent to Spring Creek and the obtainment of a conservation easement). While we are unaware of professional cultural or historic resources surveys conducted at this site, the nature of this proposed action precludes the potential for



disturbance of any cultural or historic resources that may be present on the project site, and in fact provides additional protection to such resources against the potential for disturbance that might result from mining activities threatening the site in the absence of this conservation action.

We believe that this additional information further supports our initial determination that the proposed projects pose no adverse impacts to historic or cultural resources protected under the NHPA and the Texas Antiquities Code. Please provide a response to this letter indicating the concurrence or non-concurrence (and any additional recommended conservation measures) of the Texas State Historic Preservation Office with this determination. Thank you for your review of this additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristopher Benson", written over a horizontal line.

Kristopher Benson  
Marine Habitat Resource Specialist  
NOAA Restoration Center  
4700 Avenue U  
Galveston, TX 77551