APPENDIX E AGENCY CORRESPONDENCE

METROPOLITAN TRANSIT AUTHORITY
ATTN MS RHONDA BOYER
P O BOX 61429
HOUSTON TX 77208-1429

Dear Ms. Boyer:

We have received your letter dated January 26, 2004 regarding the continuing Alternative Analysis/Draft Environmental Impact Statements (DEIS) for the North-Hardy, Southeast-Universities-Hobby and Uptown-West Loop Corridors in Houston, Harris County, Texas.

Our action will be limited to evaluating any waterways crossed by the projects for bridge permitting requirements and to determine if we will have any involvement in this segment of independent utility. The first step will be for the applicant to identify all waterways crossed and provide known data for each crossing submitted separately. Each will then be evaluated and if sufficient data exists, a decision will be returned. If additional information is required, that will also be communicated. Also, please provide information on any other agency involvement in the project.

As reference, you can obtain a Coast Guard Bridge Permit Application Guide from our web site at [http://www.uscg.mil/hq/g-o/g-opt.htm](http://www.uscg.mil/hq/g-o/g-opt.htm). Please note that the mailing address only for our office has been changed to 500 Poydras Street, New Orleans, Louisiana, 70130-3310. If we can be of any further assistance, please contact us.

Sincerely,

[Signature]

MARCUS N. REDFORD, P.E.
Chief, Bridge Administration Branch
U.S. Coast Guard
By direction

RECEIVED

APR 09 7PM
February 5, 2004

Mr. Stan Graves
Architecture Director
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Re: Section 106 Consultation for Southeast-Universities-Hobby Corridor and North Hardy Corridor Projects, Houston, TX

Dear Mr. Graves:

The Federal Transit Administration (FTA), in accordance with the regulation of the Advisory Council on Historic Preservation (36 CFR Part 800 – Protection of Historic Properties, Section 800.2(c)) hereby authorizes the Metropolitan Transit Authority (METRO), as an FTA grant applicant, to initiate the Section 106 Consultation on its behalf for these proposed projects: the Southeast-Universities-Hobby Corridor and the North Hardy Corridor in Houston, Texas. This delegation does not extend to making determinations of effects or to resolving adverse effects through an Agreement document. FTA remains responsible for these determinations and any Agreement that may be necessary.

METRO will be contacting your office regarding these projects in the near future. The METRO contact is Rhonda Boyer, Manager of Environmental Planning, 713-739-6836. FTA contact is Jesse Balleza, Community Planner, 817-978-0559.

Sincerely,

Robert C. Patrick
Regional Administrator

Cc: Rhonda Boyer, METRO
February 5, 2004

Mr. James E. Bruseth
Archaeology Director
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Re: Section 106 Consultation for Southeast-Universities-Hobby Corridor and North Hardy Corridor Projects, Houston, TX

Dear Mr. Bruseth:

The Federal Transit Administration (FTA), in accordance with the regulation of the Advisory Council on Historic Preservation (36 CFR Part 800 – Protection of Historic Properties, Section 800.2(c) ) hereby authorizes the Metropolitan Transit Authority (METRO), as an FTA grant applicant, to initiate the Section 106 Consultation on its behalf for these proposed projects: the Southeast-Universities-Hobby Corridor and the North Hardy Corridor in Houston, Texas. This delegation does not extend to making determinations of effects or to resolving adverse effects through an Agreement document. FTA remains responsible for these determinations and any Agreement that may be necessary.

METRO will be contacting your office regarding these projects in the near future. The METRO contact is Rhonda Boyer, Manager of Environmental Planning, 713-739-6836. FTA contact is Jesse Balleza, Community Planner, 817-978-0559.

Sincerely,

Robert C. Patrick
Regional Administrator

Cc: Rhonda Boyer, METRO

Southeast Corridor
February 5, 2004

Mr. James E. Bruseth
Archeology Director
Texas Historical Commission
P.O. Box 12276
Austin, TX  78711-2276

Re: Section 106 Consultation for Southeast-University-Hobby Corridor
and North Hardy Corridor Projects, Houston, TX

Dear Mr. Bruseth:

The Federal Transit Administration (FTA), in accordance with the regulation of the Advisory Council on Historic Preservation (36 CFR Part 800 – Protection of Historic Properties, Section 800.2(c) ) hereby authorizes the Metropolitan Transit Authority (METRO), as an FTA grant applicant, to initiate the Section 106 Consultation on its behalf for these proposed projects: the Southeast-Universities-Hobby Corridor and the North Hardy Corridor in Houston, Texas. This delegation does not extend to making determinations of effects or to resolving adverse effects through an Agreement document. FTA remains responsible for these determinations and any Agreement that may be necessary.

METRO will be contacting your office regarding these projects in the near future. The METRO contact is Rhonda Boyer, Manager of Environmental Planning, 713-739-6836. FTA contact is Jesse Balleza, Community Planner, 817-978-0559.

Sincerely,

Robert C. Patrick
Regional Administrator

Cc: Rhonda Boyer, METRO
January 30, 2006

Ms. Kathy Boydston
Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

RE: Houston METRO Southeast Corridor Draft Environmental Impact Statement
Harris County, Texas
BOA Project No. 6186

Dear Ms. Boydston:

Parsons Brinckerhoff (PB), on behalf of Metropolitan Transit Authority (METRO) of Harris County, has contracted BERG + OLIVER ASSOCIATES, INC. to update its evaluation of the ecosystems present within the study area for the Southeast Corridor Draft Environmental Impact Statement. METRO is evaluating a study area for “fixed guideway transit” (e.g., light rail transit (LRT) and bus rapid transit (BRT)) in Houston, central Harris County, Texas (see attached maps).

PB performed the initial coordination with TPWD back in early 2004 for the same proposed study area. At that time, the Texas Biological and Conservation Data (TxDND) System indicated no documented occurrences of federal or state listed species, critical habitat, or rare vegetation series exist within the study area.

Since that time, the Threatened and Endangered Species List for Harris County has been updated (June 2005), potential subway alignment has been eliminated, and the project has been a bit more refined. There are 3 Build alternatives: one LRT alternative, one BRT alternative, and one convertible BRT alternative (which allows conversion to LRT in the future). The alternatives would be largely semi-exclusive with the right-of-ways (ROWs). The main route for the LRT alternative was evaluated back in 2004, but now there is an optional alignment along Wheeler and MLK, which is shown on the attached 11”x17” map as a dashed blue line. Several stations, park-and-rides, a Transit Center, and a yard and shop for LRT maintenance and storage would be required.

The BRT alignments are essentially the same as the LRT alignment, and would be largely semi-exclusive with the guideway located within existing or widened street ROWs. No new maintenance and storage facilities would be required.

Therefore, due to the additional T&E species and the slight project scope changes, we are requesting that the TxDND System be reviewed again for any occurrences of federal or state listed species, critical habitat, or rare vegetation series. The proposed project is located in the Gulf Coast Prairies and Marshes ecoregion and, according to The Vegetation Types of Texas (McManus et al., 1984), the project area habitat is described as “urban.”

The study area is characterized by residential, commercial, industrial, and institutional uses, along with maintained road and railroad ROWs (see attached 2004 aerial photo). These areas have little to no remnant native vegetation and provide sparse, fragmented habitat for common species adapted to urban environments.
Southeast Corridor

Ms. Boydstun, TPWU
January 30, 2005
Page 2

The majority of the trees, shrubs, and herbaceous cover along the study area streets are landscaped, as are several street medians in the study area. Where present, dominant trees included live oak (Quercus virginiana), loblolly pine (Pinus taeda), Texas sugarberry (Celtis laevigata), willow oak (Quercus phellos), post oak (Quercus stellata), and introduced palm trees. Shrubs were generally absent from the study area, but where present generally consist of crepe myrtle (Lagerstroemia indica) in street medians. Dominant herbaceous species were present primarily in landscaped areas and consisted of Bermuda grass (Cynodon dactylon), St. Augustine grass (Stenotaphrum secundatum), annual ryegrass (Lolium multiflorum), and yellow clover (Melilotus officinalis), interspersed with annual “weedy” species such as sow thistle (Sonchus oleraceus).

One portion of the new optional alignment passes through the City of Houston’s MacGregor Park, along MLK between Old Spanish Trail and Brays Bayou. The road ROW and median are dominated by Bermuda and St. Augustine grasses. The only shrub species observed was Chinese privet (Ligustrum sinense). Trees present within and along the edges of the ROW were dominated by loblolly pine (DBH: 10-18", avg. 13" / Ht: 35-45", avg. 40") and post oak (DBH: 8-22", avg. 16" / Ht: 30-45", avg. 35"). Canopy coverage within the total road ROW was approximately 10%. Numerous ornamental tree/shrub saplings had been recently planted within the median of MLK through the park.

Berg Oliver Associates, Inc. is respectfully requesting expedited documented clearance and consultation regarding the proposed transit project. It is our opinion that the proposed project would have no adverse effects on listed threatened & endangered species or their habitat. Several location and alignment maps/exhibits and site photos are attached, which identify the study area and LRT/BRT alignment options. A re-review of the TxDOT System has already been conducted and again resulted in no occurrences within the study area. If you require any further information or maps, please feel free to contact me.

Sincerely,

Amy M. Baylor
Sr. Project Manager

Attachments: Project Location and Study Area Map (8½" x 11")
MOS Alignment Map (8½" x 11")
Updated 2006 Map (hand-labeled - 8½" x 11")
METRO Phase 2 – Southeast Corridor Map (11" x 17")
2004 Aerial Photograph of Study Area (11" x 17")
Site Photographs

Texas Parks & Wildlife

[Stamp: Reviewed by: [Signature], Date: [Date]]
March 20, 2006

Metropolitan Transit Authority
Attn: Rhonda Boyer
1201 Louisiana
P.O. Box 61429
Houston, TX 77208

RE: Section 106 Review of Proposed Southeast Corridor Transit Improvements, Houston, TX

Dear Ms. Boyer,

Thank you for your February 14, 2006 correspondence concerning the above referenced project. This letter serves as comment from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission, on the determinations of eligibility within the survey.

The review staff, lead by Hannah Vaughan, has completed a review of the Cultural Resources Survey Report for the METRO Mobility Southeast-Universities-Hobby Planning Study and addendum. We concur with the determinations of eligible (to include those determined ‘potentially eligible’) and not eligible contained in the report.

Thank you for your cooperation in this federally mandated review process. If you have any questions regarding our review, or if we can be of further assistance, please contact Hannah Vaughan at 512/463-6046.

Sincerely,

Hannah Vaughan, Historian
For F. Lawrence Oaks, SHPO
August 25, 2006

Bryan Pennington
Metropolitan Transit Authority
P. O. Box 761429
Houston, TX 77208-1429

Re: Project review under the National historic Preservation Act and Antiquities Code of Texas, Proposed Southeast Corridor Draft EIS (FTA/City of Houston)

Dear Mr. Pennington:

Thank you for the above referenced correspondence. This letter presents the comments of the State Historic Preservation Officer and Executive Director of the Texas Historical Commission, the state agency responsible for administering the Antiquities Code of Texas.

Per our review of the Draft EIS, our only comment at this time is that we believe that historic archival research will be needed for the entire proposed Southeast Corridor, to determine whether historic archeological resources may be affected by the proposed undertaking. We also look forward to continuing coordination with you relative to those historic structures currently identified as NR eligible or potentially eligible.

Thank you for your assistance in the protection of our State’s cultural resources, and if you have any questions please contact Mark H. Denton of our staff at (512) 463-5711.

Sincerely,

[Signature]

for

F. Lawerence Oaks
Executive Director
Texas Historical Commission

LO/MHD

Robert Patrick (FTA)
September 6, 2006

Larry Badon, Project Manager
Metropolitan Transit Authority of Harris County
Capital Planning
1900 Main Street
Houston, Texas 77002-5600

Re: Draft Environmental Impact Statement – Proposed Southeast Corridor

Dear Mr. Badon:

These comments on the DEIS are submitted on behalf of my client, Houston Belt & Terminal Railway Company ("HB&T").

Although HB&T will make an effort to cooperate with Metro, as it has done in the past, it appears that the Southeast Corridor's base alignment plan between STA 195+00 to STA 209+00, as shown on Drawing No. CA-07 of Volume Two of the DEIS, indicates that land required by Metro for the right-of-way will conflict with existing right-of-way property owned by HB&T. A copy of the drawing is enclosed and the area of apparent conflict is marked in yellow. We do not believe Metro has attempted to discuss this subject with either HB&T or with Union Pacific Railroad, which performs the engineering and maintenance for HB&T at this location. The right-of-way shown on said Drawing No. CA-07 as being "required" is right-of-way presently used by HB&T, UP and BNSF for major freight rail operations and said right-of-way cannot be made available to Metro.

Please contact the undersigned so that we can determine whether we have interpreted your Drawing No. CA-07 correctly and so that we can discuss further the apparent conflict with HB&T's freight operations.

Very truly yours,

Hugh L. McCulley

Enclosure
September 11, 2006

Ms. Rhonda Boyer
Metropolitan Transit Authority of Harris County (METRO)
Manager of Environmental Planning
1900 Main Street, 12th Floor
Houston, Texas 77002

Re: Agency Input for Southeast Corridor Draft Environmental Impact Statement for METRO Solutions, Phase 2

Dear Ms. Boyer:

The City of Houston (COH) recognizes the importance of the Federal Transit Administration (FTA) process and looks forward to reviewing the completed Draft Environmental Impact Statement (DEIS) that adheres to the requirements of the FTA Policies and Procedures.

As requested by METRO the City of Houston is providing the following input as issues that require additional evaluation and review prior to the finalization of the Southeast Corridor Environmental Impact Statement for METRO Solutions, Phase 2.

Critical elements of importance to the City for consideration during the Southeast Corridor DEIS have been identified in the Consent Agreement drafted by the City of Houston, Department of Public Works and Engineering. Additionally, specific areas the City of Houston for inclusion in the final environmental impact statement are traffic impacts and sanitary infrastructure.

TRAFFIC IMPACTS: The following issues and questions have been presented by the Traffic and Transportation Division and should be further considered and addressed within the EIS.

- Mitigate any loss of on street parking
- Implement traffic management plans during construction
- Address impacts of transit priority control on arterial progression of traffic signals
- Coordinate street geometrics, mobility, safety, bike access and pedestrian access with the COH
- Review City transportation improvements that may affect corridor
- Typical sections show narrow lane widths for safe travel
- Diversion of traffic due to reduction of lanes-Capitol
- Left turn prohibition along corridor
- Closure or vacating of streets and traffic patterns as a result
- Mid-block crossings on Wheeler option

SANITARY INFRASTRUCTURE: The proposed routes intersect numerous sanitary sewer lines that are 36" and larger ranging in depth of cover from shallow to very deep. Engineering concerns for these systems relate to the affect on the lines from vibration, access for maintenance/repair, and load distribution analysis. Some of the more prominent conflicts have been listed below.

Council Members: Toni Lawrence, Jarvis Johnson, Ann Clayton-Buk, Ada Edwards, Addie Wassen, M.J. Khan, P.E. Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovel, Shelley Sekula-Gibbs, M.D., Ronald C. Green, Michael Barry, Controller: Anniese D. Parker

Southeast Corridor

METRO

E-10

January 2007
Re: Agency Input for Southeast Corridor DEIS
September 11, 2006
Page 2

Base Alignment:
- Louisiana: 45-inch, 20 foot deep (1932 Brick)
- San Jacinto: 69-inch, 25 foot deep
- La Branch: 84-inch, 58 foot deep
- Capital: 36-inch, 46 foot deep
- Scott (Polk to La Branch): 30/36-inch, 23 foot deep
- Bremond: 42-inch, 20 foot deep
- Rosalie: Numerous Manholes
- Scott: (Rosalie to Holman) 54-inch, 10 foot deep
- Scottcrest: 60-inch, 10 foot deep
- Belmont LS (Conley at DuPont): corner of site, 48-inch FM, 42-inch
- Griggs (England to Calhoun): 48-inch FM

Alternative Alignment:
- Wheeler (Scott to Cullen): 36-inch, 5 foot deep
- Wheeler (Cullen to MLK): 54-inch, 5 foot deep
- OST: 72-inch, 13 foot deep
- OST: 54-inch, 12 foot deep
- McGregor Park at MLK: 54-inch, 8 foot deep
- Wheeler at MLK: 48-inch FM & 54-inch, 5 foot deep

Thanks for the opportunity to provide comments on the Southeast Corridor rail project. Please note that comments from the City Parks and Recreation Department are included in this submission for incorporation in your review of the DEIS.

Further, the METRO funded City of Houston Urban Corridor Plan will need to be taken into consideration to ensure that the construction of the Southeast Corridor integrates the goals and objectives set forth by this city-wide plan.

If you have any questions or require further information regarding the above matters, please contact me at (713) 837-0169.

Sincerely,

Daniel R. Menendez, P.E.
COH Transit Coordinator
Engineering and Construction Division

c: Michael S. Marcotte, P.E., DEE
    Joe Turner
    Marlene Gafrick
    Daniel W. Krueger, P.E.
    Andy Ickan
    Jeff Taylor
    Eric K. Dargan
    Raymond D. Chong, P.E., PTOE

1 Enclosure
1. COH, Parks Department Comments (dated August 1, 2006)
Robert C. Patrick  
Regional Administrator  
Federal Transit Administration  
Region 6  
819 Taylor Street  
Room 8A36  
Fort Worth, TX 76102

Dear Mr. Patrick,

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, Environmental Protection Agency (EPA) Region 6 has reviewed the Draft Environmental Impact Statement (DEIS) for the construction and operation of the Southeast Corridor Transit System proposed by the Metropolitan Transit Authority of Harris County, Texas (METRO).

METRO proposes to implement transit improvements for the Southern Corridor as identified in both the Houston-Galveston Area Council 2025 Regional Transportation Plan and METRO Solutions as a priority for a transportation investment. The services would be provided along a line extending from downtown Houston to east of Martin Luther King Boulevard, serving downtown Houston, the universities area and the Southeast Transit Center.

EPA rates the DEIS as "LO," i.e., EPA has "Lack of Objections" to the proposed Federal action. However, we have enclosed some detailed comments for your consideration in finalizing the DEIS. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on this proposed Federal action. If you have any questions, please contact Mike Jansky of my staff at (214) 665-7451 or jansky.michael@epa.gov, for assistance.

EPA appreciates the opportunity to review the DEIS. Please mail two (2) copies of the Final EIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004.

Sincerely yours,

Rhonda M. Smith, Chief  
Office of Planning and Coordination (GEN-XP)

Enclosure
DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
SOUTHEAST CORRIDOR TRANSIT SYSTEM
FOR
HOUSTON, TEXAS

COMMENTS:

The Draft EIS describes the impact to the Houston-Galveston-Brazoria (HGB) airshed of several build alternatives for service in southeastern Harris County. EPA notes that this project was originally included in the Houston-Galveston-Metropolitan Transportation Plan (MTP) as a light Rail Transit (LRT) project, but the Houston area MTP was recently revised, due to issues of fiscal constraint, to reflect a change in technology for this project to Bus Rapid Transit (BRT) with full conversion to LRT Planned by 2025. EPA agrees with the assessment that the LRT option would result in the most benefit to the air quality in the HGB nonattainment area. However, we also understand the fiscal reality of the need to delay the preferred option pending planned growth in transit ridership which will make the project more financially sound. If the option selected via the DEIS/EIS process is different from the BRT Convertible option described above, the new MTP and new conformity determinations will be necessary prior to federal approval of this project.

Please correct the error in Section 1.3.1.2 on p.1-13. Houston is described as being a severe nonattainment area for 1-hour ozone. EPA revoked the 1-hour standard on June 15, 2005. The HGB area is now classified as a moderate ozone nonattainment area under the 8-hour ozone NAAQS.

An error also exists in Table 3-15 on p.3-57. In this table, the 1-hour ozone standard is listed as 0.080 parts per million (ppm). The recently revoked 1-hour standard was 0.12 ppm. This reference should be corrected in the table.
September 19, 2006

Ms. Rhonda Boyer, Manager
Environmental Planning
Metropolitan Transit Authority (METRO)
1900 Main
PO Box 61429
Houston, TX 77208-1429

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Review the Draft Determination of Effects Report for Proposed Southeast Corridor Project, Houston, Harris County (FTA)

Dear Ms. Boyer,

Thank you for your correspondence of describing the above referenced project. This letter serves as initial comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Derek Satchell, has completed its review of the draft information initially submitted and received on July 19, 2006. A formal determination of effect by THC staff was postponed until the scheduled tour of the corridor was conducted on September 8, 2006. At that time, we were informed that the Base Minimum Operable Segment (MOS Alignment) option utilizing bus rapid transit (BRT) in the initial phase with conversion to light rail transit (LRT) in 2025, was most likely although a formal decision had not been made by Metro. A revised determination of effect submittal from Metro was submitted and received on September 14, 2006. Based on observations made in the field and all of the submitted materials, it appears that the undertaking will have an effect on the historic properties within the APE.

1. We concur that the proposed undertaking will have an ADVERSE EFFECT upon the NR listed, eligible and contributing properties located within the APE, found in Table 5-12 of the draft EIS report. To ascertain the degree of the adverse effect upon each property and to identify the most appropriate mitigation measures, we will need to enter into a Memorandum of Agreement (MOA) that allows the project to proceed and outlines the requirements for mitigation.

2. We concur with your anticipation that the proposed undertaking will have a NO ADVERSE EFFECT upon the NR listed, eligible and contributing properties located within the APE, found in Table 5-12 of the draft EIS report, provided that the Memorandum of Agreement (MOA) document to be developed includes an appropriate design review process to ensure compatible design of new visual elements within the APE in order to avoid the potential for adversely affecting these historic properties.
3. We also concur with your anticipation that the mitigation methods proposed in Table 7-1, Summary of Impacts and Mitigation Measures of the initial draft EIS report may be sufficient once the preliminary engineering identifies the precise project alignment. The Memorandum of Agreement (MOA) document to be developed will include the specific mitigation measures for each historic property adversely effected by the proposed undertaking.

The following is a recommendation for the above-referenced project:

- Consider conducting archival research for all parcels identified within the APE for acquisition to determine potential archeological deposits.

We look forward to receiving a final copy of the report and reviewing the Memorandum of Agreement (MOA) document be developed to guide the review of this undertaking in regard to work that could affect the historic character and integrity of historic properties identified.

Thank you for your cooperation in this federal review process and look forward to further consultation with your office. If you have any questions concerning our review or if we can be of further assistance, please contact Derek Satchell at 512/463-7687.

Respectfully,

[Signature]

Derek Satchell, Project Reviewer
for: F. Lawerence Oaks, State Historic Preservation Officer

cc: Al Davis, Chair, Harris County Historical Commission
November 9, 2006

Mr. Todd Mason  
Vice President Real Estate Services  
Metropolitan Transit Authority of Harris County  
P.O. Box 61429  
Houston, TX 77208-1429

RE: MacGregor Park/Southeast Corridor

Dear Mr. Mason:

The City of Houston Parks and Recreation Department is committed to working closely with METRO in an effort to minimize and mitigate for any loss of park land associated with the proposed Southeast Corridor fixed guideway project (the “Project”).

It is our understanding that the proposed alignment along Wheeler and MLK Boulevard would cross MacGregor Park and be located in park property between the lanes of MLK Boulevard. The boundaries of the park extend to the curb line on the east side of MLK Boulevard. Trees and landscaping in the park property between the lanes would be removed for the guideway to accommodate the alignment.

Although the proposed Southeast Corridor alignment would use some parkland to provide turning lanes and a new signalized intersection at MLK Boulevard and the east park entrance drive, the impact to park access and trees/landscaping would not adversely affect the activities, features, and attributes for which the park was intended. We also understand that the Project alternative alignment was developed with consideration of avoidance and minimization of impacts. Subject to the below mitigation requirements, the Parks and Recreation Department concurs with the finding of the federal Section 4(f) evaluation that the impacts to the Park are “de minimus” in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. Prior to METRO using MacGregor Park for the Project, state law requires that Houston City Council hold a public hearing under Chapter 26 of the Texas Parks & Wildlife Code and make a determination, based on evidence presented by METRO at the hearing, that there is no feasible and prudent alternative to the use or taking of the parkland for the Project, and the Project includes all reasonable planning to minimize harm to the park resulting from the use or taking.

As part of the mitigation for loss of park land, METRO, at its expense, will (i) construct a new signalized intersection at MKL Boulevard and the east park entrance and will widen the park entrance drive to provide for left turn lanes, (ii) locate a transit station at or north of Old Spanish Trail to provide access to MacGregor Park, and (iii) mitigate the loss of trees removed or damaged as a result of the Project.
November 9, 2006
Mr. Todd Mason
Page 2

Finally, the City of Houston Parks and Recreation Department supports the above referenced alignment on the condition that, prior to the City providing consent for METRO to use the park property for the selected alignment, the Parks and Recreation Department receives written confirmation that no adverse reversionary repercussions from the MacGregor heirs will affect either the City or MacGregor Park.

We look forward to working with you on this effort.

Sincerely,

Joe Turner, Director
Parks and Recreation Department

Cc: Mayor Bill White
Council Member Ada Edwards
Arturo Michell, City Attorney
Mike Marcotte, Public Works & Engineering
Andy Icken, Public Works & Engineering
APPENDIX F
SECTION 4(f) EVALUATION