

Preserving America's Heritage

July 9, 2008

Dr. John Griggs
P.O. Box 355
Chappell Hill, TX 77426

Via email to john.griggs@sbcglobal.net

*Ref: Land and Water Conservation Fund involvement in activities at Fort Fisher Park
Waco, McLennan County, Texas*

Dear Dr. Griggs:

The Advisory Council on Historic Preservation (ACHP) is in receipt of the enclosed response from the National Park Service (NPS) in response to our inquiry about the applicability of Section 106 of the National Historic Preservation Act to activities at Fort Fisher Park in Waco, Texas. You will note that the NPS has confirmed that a Land and Water Conservation Fund (LWCF) grant was made to the project site several years ago and that the assistance includes provisions relating to the retention of the park for public outdoor recreational use and the management of the park pursuant to NPS regulations.

While we appreciate your concern that work is proceeding in a manner that is inconsistent with the original grant conditions, it is clear that any further investigation of this matter will need to be coordinated with the Texas Parks and Wildlife Department as the grant recipient and the entity responsible for ensuring that grant conditions are met. We provided you with contact information for staff at the Texas Parks and Wildlife Department as well as the NPS Midwest regional office in Omaha this week via email. We are also providing you with the following contact information for the Texas State Historic Preservation Office (SHPO), since they are currently reviewing activities at this location pursuant to state law: Mark Denton, Archaeology Division, (512) 463-5711. If it is concluded that Section 106 applies to this undertaking, the Texas Parks and Wildlife Department and the Texas SHPO will be required to consult.

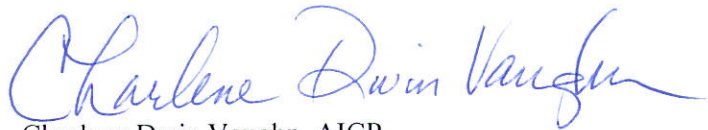
Given your interest in participating in any Section 106 review as a consulting party should Section 106 be found to be applicable to activities at Fort Fisher Park, we encourage you to notify the NPS and the Texas Parks and Wildlife Department accordingly. Please note that the ACHP is available to advise the federal agency or the state should they need further assistance from us on interpreting any provision in our regulations, "Protection of Historic Properties" (36 CFR Part 800) per §800.2(b)(2).

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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We appreciate your diligence in bringing this matter to our attention and thank you for your interest in the preservation of our nation's important historic places. If you require the further assistance of the ACHP, please contact Blythe Semmer at 202-606-8552 or via email at bsemmer@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section

enclosure