

## DEFINING A TRADITIONAL CULTURAL PROPERTY (TCP)

A January 8, 2007, presentation by the United States Army Corps of Engineers (USACE) concerning the Tarrant County College District's request for a levee permit, under Section 106 of the National Historic Preservation Act. See the following link for this PowerPoint presentation and other reports:  
<http://www.swf.usace.army.mil/pubdata/notices/trinityriverlevee/index.asp>

National Register Bulletin # 38 (See the following link)  
<http://www.nps.gov/history/nr/publications/bulletins/nrb38/>

A TCP can be defined....as one that is eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that **(A\*\*)** are rooted in that community's history, and **(B\*\*)** are important to maintaining the continuing cultural identity of the community.

### Understanding TCP's

*Places that Count* by Tom King p. 34

- A place can be eligible for its values to the community.
- Such a place may not be perceived to be valuable by an outsider.
- It can be a natural place such as a landscape.
- It is how the community perceives the place and its significance that matters.
- Native American groups have traditionally been associated with TCP's.
- Nonindigenous groups can also comprise a living community.
- The citizens of Fort Worth, bound by a common cultural heritage, constitute a living community with shared social and economic practices.

### **(A\*\*) Rooted in Fort Worth's history**

(National Register Bulletin # 38)

- **The bluff** was essential to the selection of the Fort by Major Ripley Arnold.
- As part of the Chisholm/Eastern Trail, **the bluff** is integral to the cultural identity of Fort Worth as "Cowtown."
- **The bluff** was fundamental to the location of the historic Tarrant County Courthouse.

### **(B\*\*) Important in Maintaining the Continuing Cultural Identity of Fort Worth**

(National Register Bulletin # 38)

- Loss of the bluff's integrity would diminish Fort Worth's cultural identity as "Cowtown" and its western history and heritage that forms the core of the city's cultural identity.
- Loss of the bluff's integrity diminishes the setting for the central business district to the north and the viewshed of the floodplain that is historically tied to the significance of the stockyards and the city's cultural identity.

## What TCP's Share?

*Places that Count* by Thomas King p. 104

TCP's need to have at least **ONE** of these qualities:

- Spiritual Power
- Practice
- Stories (Often associated with the founding of the group)
- Therapeutic Qualities
- Remembrances (emotional attachment to place)

The Bluff has at least **TWO** of these qualities.

### How is the definition of *adverse effect* applied?

When an undertaking may alter, directly or indirectly, any of the characteristics that qualify the property for inclusion on the National Register in a manner that would **diminish** the integrity of the property's **location**, design, **setting**, **feeling** or **association**, it is an adverse effect. 36 CRF 800.5

### Findings of Effect by the Corps of Engineers

- **The Viaduct (North Main Street Bridge)** –Adverse visual effect on the setting by placing a new structure that changes the setting, feeling and association.
- **The Levee** – Adverse effect by the modification by altering the levee.
- **The Courthouse** – Adverse visual effect on the setting, feeling and association.
- **TXU Power Plant** – No Adverse effect initially found, but THC finds adverse effects. Corps now concurs with THC.
- **The Bluff** – Adverse effect to a Traditional Cultural Property (TCP) by removing trees essential to its integrity and changing the setting, feeling and association.

### Are Archaeological Resources Impacted?

- None currently identified
- Potential for future findings if levee modifications are made
- Construction on the bluff side occurred before initiating Section 106 and was performed under the Texas Antiquities Code.

**Memorandum of Agreement (MOA). Because TCCD pulled the permit request very late in the process, no MOA was signed. However, the bluff's eligibility for listing in the National Register of Historic Places was already established.**

- MOA is a legal document that stipulates what measures will be taken to avoid, reduce or mitigate adverse effects.
- The MOA is evidence of Corps compliance with Section 106 of the 1966 National Historic Preservation Act and approval/permit may be signed by the signatories.
- When all stipulations of the MOA are fulfilled, Section 106 is complete.

### Who would have signed the MOA?

- United States Army Corps of Engineers (ensures agency 106 compliance)
- Texas Historical Commission (represents interests of all Texans)
- Tarrant County College District (responsible for all mitigation compliance)
- Tarrant Regional Water District (has maintenance agreement with TCCD and USACE on historic levee)