

TEXAS HISTORICAL COMMISSION
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#E1-25274

July 22, 2016

Mr. Clayton Tinsley
Principal Investigator
HDR
17111 Preston Road, Suite 200
Dallas, TX 75248

Re: *Scope-of-Work for the Proposed Southwest Gulf Railroad Project Site.* (STB)

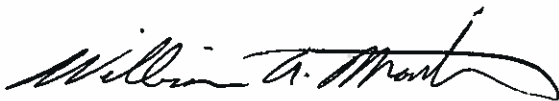
Dear Mr. Tinsley:

Thank you for allowing us to review the survey scope-of-work referenced above. This letter serves as comment on the document from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Bill Martin, has completed its review. After examining the document, we find that some corrections, clarifications and additions are needed before the document can be accepted. The citations included for federal and state laws and regulations are quite inaccurate and there is a fair amount of awkward wording throughout the document. We concur with STB's recommendation that an editor revise the document. Please see our attached regulatory and editorial comments and submit a revised draft that addresses them.

Thank you for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Bill Martin at 512/463-5867.**

Sincerely,



for
Mark Wolfe, State Historic Preservation Officer

MW/wam

enclosure

cc w/enclosure: Diana F. Wood, Surface Transportation Board



Regulatory and Editorial Comments

p. 1. Please remove the phrase, “and the identification of cultural resources as potential historic-age properties (defined as resources eligible for inclusion in the National Register of Historic Places or for designation as State Antiquities Landmarks (SAL).” This is an awkward statement that conflates two separate laws. The term “historic properties” is used the federal regulations. State Antiquities Landmarks are defined in the Antiquities Code of Texas.

p. 3. Please remove the statement that, “the State of Texas requires for the proposed developments to comply with Chapter 191 of the Texas Natural Resources Code, also known as the TAC.” Land ownership by a political subdivision of the state is what triggers compliance with the Antiquities Code of Texas. It appears that the entire route for the proposed railroad spur crosses private property; if so, statements referring to the Antiquities Code of Texas should be removed. If there are tracts owned or controlled by political subdivisions of the state, please submit a permit application for those tracts.

Also, Section 106 refers to a section of the National Historic Preservation Act, but the citation in the text refers to the regulations that implement the act (36 CFR 800). Similarly, 13 TAC 26.12 refers to the Chapter 26 of the Texas Administrative Code, Rules of Practice and Procedure governing the administration of the Antiquities Code of Texas, not the Code itself. Although many people refer to the law as the Texas Antiquities Code, and abbreviate it as TAC, the correct abbreviation should be ACT. TAC refers to the Texas Administrative Code. Therefore, the sentence regarding Chapter 191 of the Texas Natural Resources Code should state that it is also known as the Antiquities Code of Texas, rather than the TAC.

Since the GIS model is specifically geared toward the identification of prehistoric resources, the title should read, “GIS Model for Prehistoric Archeology.” The illustration of this model is too small, and the shades of color too similar, to accurately interpret the figure. Please rotate the figure 90 degrees on the page and increase the size of the image. Also, please illustrate the Upper Quihi National Register District on all maps associated with this document.

The document discusses plans for the identification of historic buildings, but doesn’t discuss historic period archeological sites. A discussion of probability zones for historic sits based on archival research and oral history would be helpful.

p. 8. Archeological Survey Methods. We have no objections to the methods proposed for survey, but would like to see a few clarifications and the following addition. Since this project has generated so much publicity, we believe that every effort should be made to identify resources. Given that, prior to initiating the field survey, the field supervisor should contact members of our Archeological Stewardship Network and local collectors who are familiar with the area to seek guidance on the nature of sites in the vicinity. Any extant collections from sites close to the project area should be examined, and if any of those sites are located within the APE, it would be beneficial to have the collector take the field director to the sites where the materials were found.

Regarding the backhoe trenches to be dug into Holocene alluvium, please specifically state that profiles drawings and photographs will be made of each trench. Also, please specify who will conduct the geomorphological analysis of the landforms exposed in these trenches.

With respect to collections, please photograph all artifacts found on the surface or in shovel tests or backhoe trenches that are not collected, and include the photos in an appendix to the survey report. Also, we believe that the phrase "may be collected" should be changed to "will be collected" with respect to the samples of historic artifacts mentioned on page 9.

p. 9. Under reporting, the scope currently reads that only data relevant to *collected* artifacts will be presented. It is important to present data for all artifacts, especially if many are left on the sites and are known only from notes and photographs.

Finally, we would like to make an onsite visit during the survey while your crew is still in the field. Please keep us informed of their schedule and progress.