



"hester"
<secocreek@swtexas.net>
11/26/2007 05:14 PM

FD 342 64
#E1-3250
DAW

To <Diana.Wood@stb.dot.gov>
cc "Bill Martin" <Bill.Martin@thc.state.tx.us>,
<Catherine.Glidden@stb.dot.gov>,
<Daniel_Cassedy@URSCorp.com>,
bcc
Subject Re: Site 41 ME 132 and Language in Draft PA Addressing
Archaeological Resources for Southwest Gulf Railroad's
Eastern Routes

Dear Diana et al.:

My comments related to the draft PA had to be somewhat generalized. Perhaps my remarks about potential resources to the "east" of the 41ME132/gravel hills/spring basin area were a bit flippant! While, of course, there may be some resources to the "east," the **best course** will be to move this proposed route ("Modified Eastern Bypass Weiblin" or whatever) in that direction, off the Mangold property that encompasses most of the potential resources I have described. The reasoning that there are "endless resources" is a perceptive one, and perhaps it is a core value that would argue for the wholesale denial of any and all railroad permit applications at Quihi. Regardless, the **route must be moved east** of the Mangold area. Bill Martin and I have discussed the possibility of meeting in the area to take an additional look. As far as I know, the only people to ever see this area were me, some STAA members, and Dan Cassedy. I guess that in abstract exercises of this type, it is easy to move lines around, and in the spirit of such an enterprise, I will always insist that the proposed modified route be moved east, away from the 41ME132 region.

I have no idea how anyone unfamiliar with the long history of 41ME132 could evaluate its National Register eligibility. It is unclear the percentage of buried deposits that remain and it is unclear what techniques would be required to excavate these complicated deposits in a meaningful fashion. What is clear is that the archaeological assemblage obtained by the late Buddy Mangold from the site is a superb research

collection, and demonstrates the significance of the site in the area. It contains archaeological materials not common to this part of south central Texas --- or at least as far as we know, given the paucity of research which can be used for comparison. I failed to note, in my comments, the fragment of an obsidian artifact found at the site. Based on geochemical analyses by Dr. Richard Hughes (Sonoma, CA), it is derived from an obsidian outcrop in the state of Queretaro, Mexico. To be sure, it is a single specimen from a distant source -- but the only other obsidian from the Queretaro obsidian sources is found in the form of an 11,500 year-old Clovis point from the base of Kincaid Rockshelter in Uvalde County about 50 miles to the west.

I certainly agree that the draft PA is a detailed document, and indicated in my comments that I have few problems with it. Your [STB] concern, however, seems to be data recovery -- something we don't know how to do at 41ME132 or similar sites, if nearby. My concern is **avoidance and preservation** of these perplexing resources. The staff of the Texas Historical Commission has always "preached," during my whole career, preservation, preservation and preservation. That means leaving the ME132 area alone, not having it unraveled by a railroad.

I greatly appreciate your replies to my letter of November 19, and I have a bit of an idea of the tough decisions you have to make. I am grateful to be able to offer these additional remarks, and have attempted to steer away from my more curmudgeonly views of this whole undertaking.

With best regards,

Thomas R. Hester, Ph.D.

Consulting Party

To: hester

Cc: Bill Martin ; Catherine.Glidden@stb.dot.gov ; Daniel_Cassedy@URSCorp.com ; Jaya_Zyman-Ponebshek@URSCorp.com ; Brad Patterson

Sent: Monday, November 26, 2007 3:38 PM

Subject: Re: Site 41 ME 132 and Language in Draft PA Addressing Archaeological Resources for Southwest Gulf Railroad's Eastern Routes

Tom:

Cathy and I spoke with Bill Martin, Archaeologist for the THC, earlier today about your request to move the proposed Modified Eastern Bypass Route to the east to avoid archaeological Site 41ME132, as well as your recommendation to include additional language in the Draft PA. Although you make the request to move the route eastward, you also mention that additional archaeological resources could be located to the east. Based on your comments and those from others, it would seem that the possibility of finding such resources in the area could be endless. We simply do not know the extent, and won't know until actual data recovery. However, as stipulated in the PA, STB and SGR will be required to consult with the signatories and consulting parties on specific procedures to preserve historic properties in place and avoid adverse effects, in accordance with the Resolution Plan.

Site 41ME132 will be evaluated to determine its eligibility for listing in the National Register, and if eligible, would be subject to data recovery in accordance with a yet-to-be developed treatment plan. The site would also be subject to state and Federal requirements, which might include some of the following recommendations you provided: intensive trenching on the Mangold property (due to soils); detailed geological analysis to understand the formation processes that led to the accumulation of prehistoric occupational deposits within the Quihi soils/Uvalde Gravels; the collection of pollen cores or related sampling techniques in the bog/marsh of the spring; and vegetational identification/interpretation by a skilled palynologist familiar with central and southern Texas.

We do believe that the PA is very detailed, and does provide the framework for addressing your concerns pertaining to data recovery. Please keep in mind that you and others will have an opportunity for input and further comment as we progress toward developing specific language for data recovery, once a final eastern route has been chosen.

II. Identification and Evaluation of Historic Properties

A. Prior to construction, SGR will retain qualified personnel as defined in Stipulation V of this Agreement. Qualified personnel of the appropriate profession will conduct such archeological and architectural surveys within the APE as may be necessary to supplement the surveys undertaken in connection with, and appended as part of, the SDEIS to locate archeological sites, buildings or other structures, objects, districts, traditional cultural properties, and cultural or historic landscapes that may be eligible for listing in the National Register. The STB will ensure that:

1. The work will be conducted in compliance with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, 48 Fed. Reg. 44716, September 29,

1983 ("Secretary's Standards");

2. Prior to any field survey(s), SGR in consultation with the STB and SHPO will develop a scope of work for undertaking any survey under this stipulation. The STB, after seeking comments from the SHPO, must approve the scope of work prior to the initiation of fieldwork; and

3. Any archeological sites, buildings or other structures, objects or districts located during the survey(s) will be evaluated for eligibility for listing in the National Register in accordance with 36 CFR § 800.4. SGR will also consider other applicable State of Texas laws, standards, and guidelines related to historic properties report documentation, specifically, the Antiquities Code of Texas, Title 9, Chapter 191 of the Texas Natural Resource Code; Rules of Practice and Procedure Chapter 26.24 and Chapter 26.25, and the Texas Historical Commission's Minimum Archeological Survey Standards, in accordance with 36 CFR § 800.4(b)(1).

B. For historic properties within the APE not previously identified and evaluated, SGR will submit to the STB a report(s) documenting the archaeological and architectural survey results that meets the Secretary's Standards for Identification, Archeological Documentation and Historical Documentation. The report(s) shall include but not be limited to all of the following:

IV. Resolution of Adverse Effects

A. Prior to the initiation of construction of any portion of the rail line that might adversely effect an historic property or archeological resource, SGR will develop, in consultation with the STB and the SHPO, an effects resolution plan (Resolution Plan) that will assess adverse effects on historic properties located within the APE. The Resolution Plan will be developed in accordance with 36 CFR § 800.6 and will include but not be limited to the following:

1. Preliminary engineering designs and alignment for the railroad construction with enough detail and specifics for the parties to evaluate the effects on the historic properties;

2. Description of the nature of effects on each historic property within the APE, based on the proposed project design and potential environmental impacts identified in the Environmental Impact Statement prepared for this Project. Results of studies undertaken pursuant to this section will be provided for review upon request to signatories, and summaries of each study will be included in the Resolution Plan;

3. Strategies proposed to avoid, minimize or mitigate effects of the undertaking

4. Consideration of measures identified by Federally recognized Tribes for mitigation of adverse effects to properties that are determined to be significant for their traditional cultural values; and

5. Documentation of comments from the consulting parties.

B. The STB and SGR will consult with the signatories to this Agreement and consulting parties on specific procedures to preserve historic properties in place and avoid adverse effects in accordance with the Resolution Plan. Procedures to be considered shall include, but not be limited to, avoidance by re-routing the

railroad alignment around the historic property where feasible, and/or monitoring of archeological or tribal historic properties by archeologists or Tribal representatives.

C. In regard to archeological resources, in the event that avoidance is not feasible and data recovery is determined by STB in consultation with the signatories to this Agreement to be the most prudent and feasible treatment option, research design proposed in the Resolution Plan shall specify, at a minimum:

1. The archeological resources to be affected and the nature of those effects;
2. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
3. Data needed to address specific research questions, the likelihood that this data can be recovered and how the data will be analyzed;
4. Fieldwork and analytical strategies to be employed, with an explanation of their relevance to the research question;
5. Proposed methods of dealing with individual discovery situations;
6. Methods to be used in data management and dissemination of data, including a schedule;
7. How findings will be presented to support the research design;
8. Proposed repatriation of recovered materials and records including the disposition of Native American sacred items, human remains and grave goods;
9. Proposed methods for disseminating results of the work, including any plans for educating the general public. Public involvement may include site tours during excavation, preparation of educational materials for use in local schools, development of an entry on the Texas Beyond History web site, or some other means of disseminating information in a form that can be easily understood by the general public;
10. Proposed methods by which Federally recognized Tribes and the STB approved consulting parties will be kept informed of the work and, where applicable, how the Federally recognized Tribes which concurred in this Agreement and the Tap Pilam-Coahuiltecan Nation of Texas will be afforded a reasonable opportunity to participate in the recovery of data that possess religious and cultural significance to them; and
11. Proposed schedule for the submission of progress reports to the STB and other Signatories to this Agreement.

D. An archeological data recovery plan that addresses all the above points shall be developed and incorporated as part of the Resolution Plan and shall be consistent with the Secretary's Standards and take into account the Council's publication, *Treatment of Archaeological Properties: A Handbook* (Advisory Council on Historic Preservation 1980), subject to any pertinent revisions the Council may make in the publication prior to completion of the data recovery plan, and the SHPO's guidance.

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
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"hester"
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11/20/2007 10:41 AM

To <Diana.Wood@stb.dot.gov>
cc "Bill Martin" <Bill.Martin@thc.state.tx.us>, <Catherine.Glidden@stb.dot.gov>,
<Daniel_Cassedy@URSCorp.com>
Subject Re: Map Showing Modified Eastern Bypass

Diana:

Thanks so much for getting back to me. That map is a huge improvement in terms of my concepts of the proposed routes!!

The language for the Weiblin Modification Route, which should be moved east out of Mangold's ranch, should include:

1. archaeological survey that is intensive, requiring backhoe trenching, due to the Uvalde Gravel/Quihi soils in the Mangold property
2. detailed geological analysis of the proposed Weiblin route, in order to understand the formation processes that led to the accumulation of prehistoric occupational deposits within the Quihi soils/Uvalde Gravels
3. pollen cores or related sampling techniques in the bog/marsh of the spring near 41ME132. Detailed analysis and vegetational identification/interpretation by a skilled palynologist familiar with central and southern Texas (e.g., Dr. Bruce Albert).

It would be a serious neglect of cultural resource studies in this area to have these studies done by run-of-the-mill, fieldwork-by-rote CRM firms, and palynologists of pre-2000 training and mindsets. As I said in the comments sent you, I would have

walked right over the Mangold site/41ME132 if it had been undisturbed. Having looked at sites in this region

for more than 40 years, this scares the hell out of me. Maybe I would have seen some artifacts eroded on the slopes toward a nearby arroyo (comes from the spring in #3 above)....but then, I would never (ever)

have thought that 10,500 years of cultural remains would have been buried within the Quihi soil/Uvalde Gravel deposit that was the main part of the site. I wish I knew how the late Buddy Mangold knew what was there; it must have been compelling, as he spent several years carefully excavating the bulk of the site --- with "backdirt" of Uvalde Gravels, and almost no soil!

If I can expand on any of the above, please let me know. Of course, given the topography along this segment of the

Weiblin Modification, just moving it east a bit may result in the same problems! Traditionally, archaeologists have

"written off" the uplands in this region, thereby completing missing an important part of the cultural record.

With best regards,

Tom Hester
Consulting Party

----- Original Message -----

From: Diana.Wood@stb.dot.gov

To: [hester](#)

Cc: Catherine.Glidden@stb.dot.gov ; Jaya_Zyman-Ponebshek@URSCorp.com ;

Daniel_Cassedy@URSCorp.com

Sent: Tuesday, November 20, 2007 9:20 AM

Subject: Map Showing Modified Eastern Bypass

Dr. Hester:

Thank you for your comments. The attached map in PDF is much clearer than what has been scanned onto the web site. In comparing the two maps (Modified Eastern Bypass Route and Archeological Resources), the modified route does indeed go right through site 41ME132. You mention core samples, but do you want the PA revised to reflect this, or do you think the current language is sufficient? It sounds to me like we should include additional language.

I've got a conference call with SGR tomorrow and will need to discuss this issue.

Diana F. Wood
Section of Environmental Analysis

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"hester" <secocreek@swtexas.net>

11/20/2007 08:37 AM

To <Diana.Wood@stb.dot.gov>

cc

Subject PA comments: the English version!!

November 19, 2007

Diana Wood

Section of Environmental Analysis

U.S. Surface Transportation Board

395 E Street, SW

Washington, DC 20423-0001

Via email/email filing to:

Re: Docket #34384, Comments on the Draft PA

Dear Ms. Wood:

Thank you for sending me, as a consulting party, a copy of the draft Programmatic Agreement (PA), for FD #34384.

As a professional archaeologist who has worked with many private firms, corporations, and agencies, over a 40 year period, there seems to me to be some very curious efforts, within the PA, to let Vulcan/SGB to obfuscate the needed cultural studies for the proposed two (or three)

eastern routes. I am certain that Lawrence Oaks of the Texas Historical Commission will ensure that federal (Section 106) regulations are strictly

Enforced.

My letter concerns the possibility of the two eastern routes (or variations thereof; I frankly cannot tell from the map sent me just where the routes are now proposed to go). However, I am informed that the eastern routes could actually pass through the western section of the Russell Mangold property. The letter submitted to you by the QNFHS provides more detail.

There is a real investigative and research problem in the western portions of the Mangold

property. Much of it consists of gravel-capped hills (Uvalde Gravels), some around or near to a major seep spring that has left deposits in a large area around it. Dr. Bruce Albert, consulting palynologist, believes that it is critical that these deposits be cored and subjected to detailed analysis. He has been successful in the past few years in obtaining vegetational sequences, over the last 11,000 years, that are key to the study of ancient environment and climate in this region.

Moreover, as far as I know, only one archaeological site has been studied in this locale. This is 41ME132 (Buddy Mangold site), itself located on one of these knolls capped with Uvalde Gravels. Detailed geological studies in the area have led to the definition of the Quihi Soils, forming atop the ancient Uvalde Gravels deposits.

The nearby spring and the camping locale provided on this knoll at 41ME132 was used by groups of hunters and gatherers as a campsite for at least 10,500 years. I have included a series of images that illustrate some of the time-diagnostic spear point types of this **Paleo-Indian** era. The occupations continued through the **Archaic** period, 8800 years ago to about 1500 years ago, into the **Late Prehistoric** period (the introduction of the bow and arrow, and with the last use of the site by **Historic**, Spanish Colonial-era Native Americans. Their tiny distinctive triangular points tie them to the missions in South Texas and Northeast Mexico.

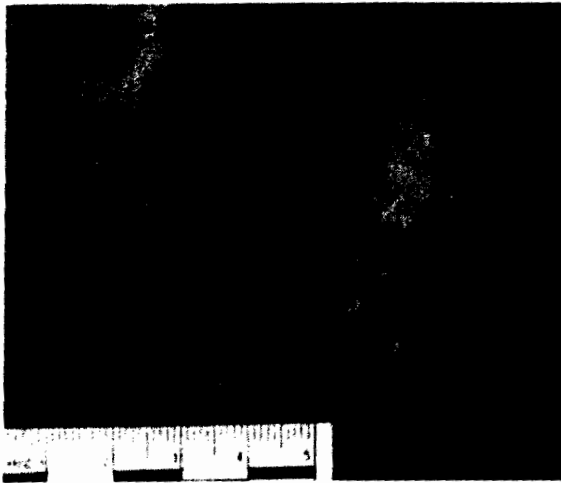


Figure 1. Wilson points,

10,500 years ago. 41ME132.



Figure 2. Angostura point,

8,800 years ago. 41ME132.

While we know a quite a bit about the chronology of ancient peoples at 41ME132, there is no data on the nature of the occupations, the succession of campsite activities, and other key relationships. Despite our “salvage” excavations through the Southern Texas Archaeological Association in July 2004, we were unable to address most of the research questions at hand. The history of the site that preceded our work involved the well-intentioned, but untrained excavations of the late Buddy Mangold. His notes and records are not of the sort that allow us to better define the characteristics of the site.



Figure 3. View of a 2004 excavation unit. The Quihi soils occur

overlying bedrock. The soils (behind the scale) have extensive gravels.

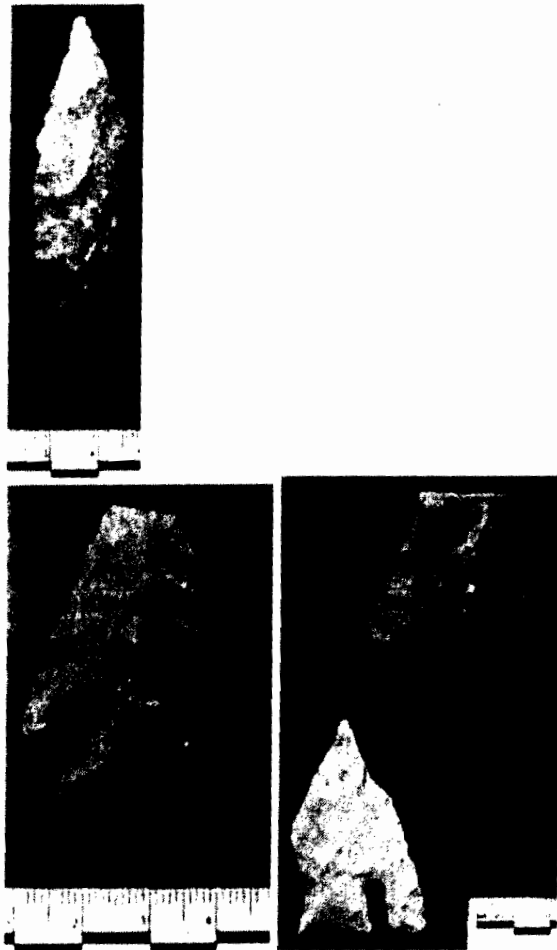


Figure 4. Early Archaic points from 41ME132. left to right, Martindale; Uvalde, Andice, and Bell (lower)

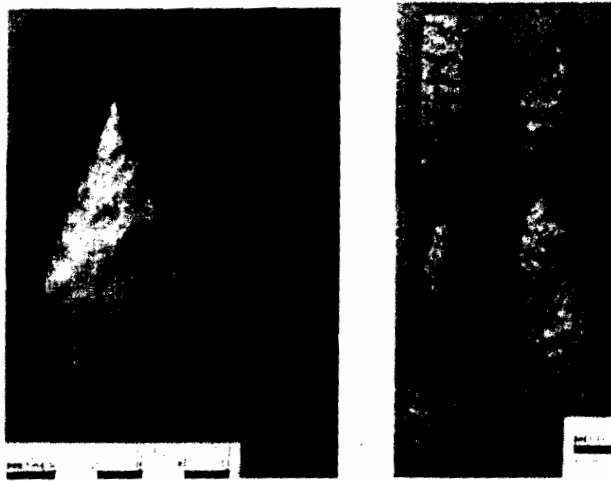


Figure 5. Middle, Late and Transitional Archaic point types from 41ME132.

Left, Bulverde points (Middle Archaic, ca. 4500 years ago), right, Darl points (Transitional Archaic; ca. 2000 years ago). Of particular note is the sizable numbers of Darl, a type that occurs much more commonly in the Austin area and north.

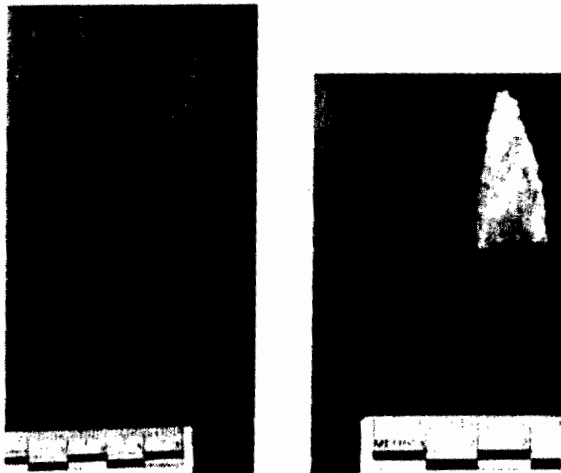


Figure 6. Arrow Points of Late Prehistoric and Historic Age.

Left, Perdiz points (around 500-700 years ago); right,

Guerrero points, dating to the 18th century “mission Indians”

Thus, while the Mangold site (41ME132) has given us some important insights to the long cultural record of prehistoric and early historic times, we know very little about the formation processes at that site --- and even more significantly, we know absolutely nothing of the western area of the Russell Mangold property. The sites will be hard to find; I would have probably

walked right over 41ME132 prior to its amateur excavation in the 1990s. But, now we are armed with these data, and these should inform archaeological field crews (experienced ones, I trust) as to what to look for and where!

The best possible resolution to the issue of the western Mangold property would be for all potential railroad routes to be moved slightly to the east, thus leaving this particular area of interest (and of potential National Register quality) wholly untouched.

I would close by re-stating my view that **no** railroads should be built at Quihi. Any route that is “chosen” (after all these years of mind-numbing end runs and misinformation) will damage the Quihi Rural Historic District. The District was inexplicably divided into two “sections.” It is incredible that the area that is and was Quihi, an area of immense historical significance and of tremendous note in the history of early Texas, could be considered anything other than “Quihi.” Additionally, there have been no definitive archaeological surveys or studies of any route, and the well-meaning tidbits assembled by URS, by STAA (not linked with this issue), and a couple of Austin-area consulting firms have not provided any sort of comprehensive picture of the local prehistory.

Thank you for the opportunity to provide these comments.

Sincerely yours,

Thomas R. Hester, Ph.D.

Consulting Party

Professor of Anthropology, emeritus

The University of Texas at Austin