

# Complying with Regulations for Archaeological Resources in Texas

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Jeremy Hanzlik, PE

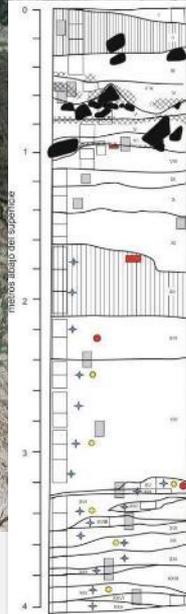
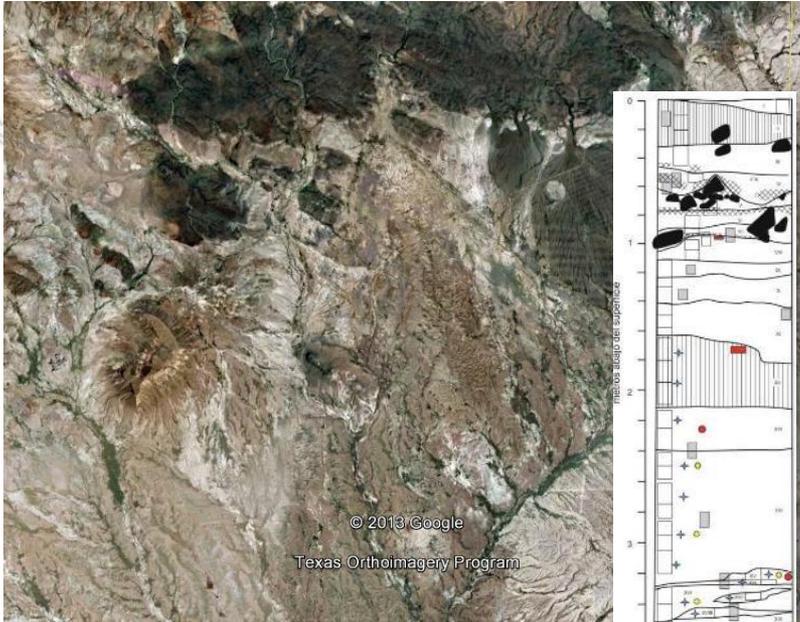
# Learning Objectives

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At the end of the this course, participants will be able to:

1. understand the regulatory context of cultural resources and the nuances of overlapping jurisdictions (City, State, Federal, etc.);
2. recognize SAL, NRHP, and UNESCO World Heritage designations, as well as implications for project development;
3. understand the historic context of Spanish Missions in Texas and their impact on the landscape;
4. apply knowledge of the cultural resources and regulatory processes from this case study to their own projects.

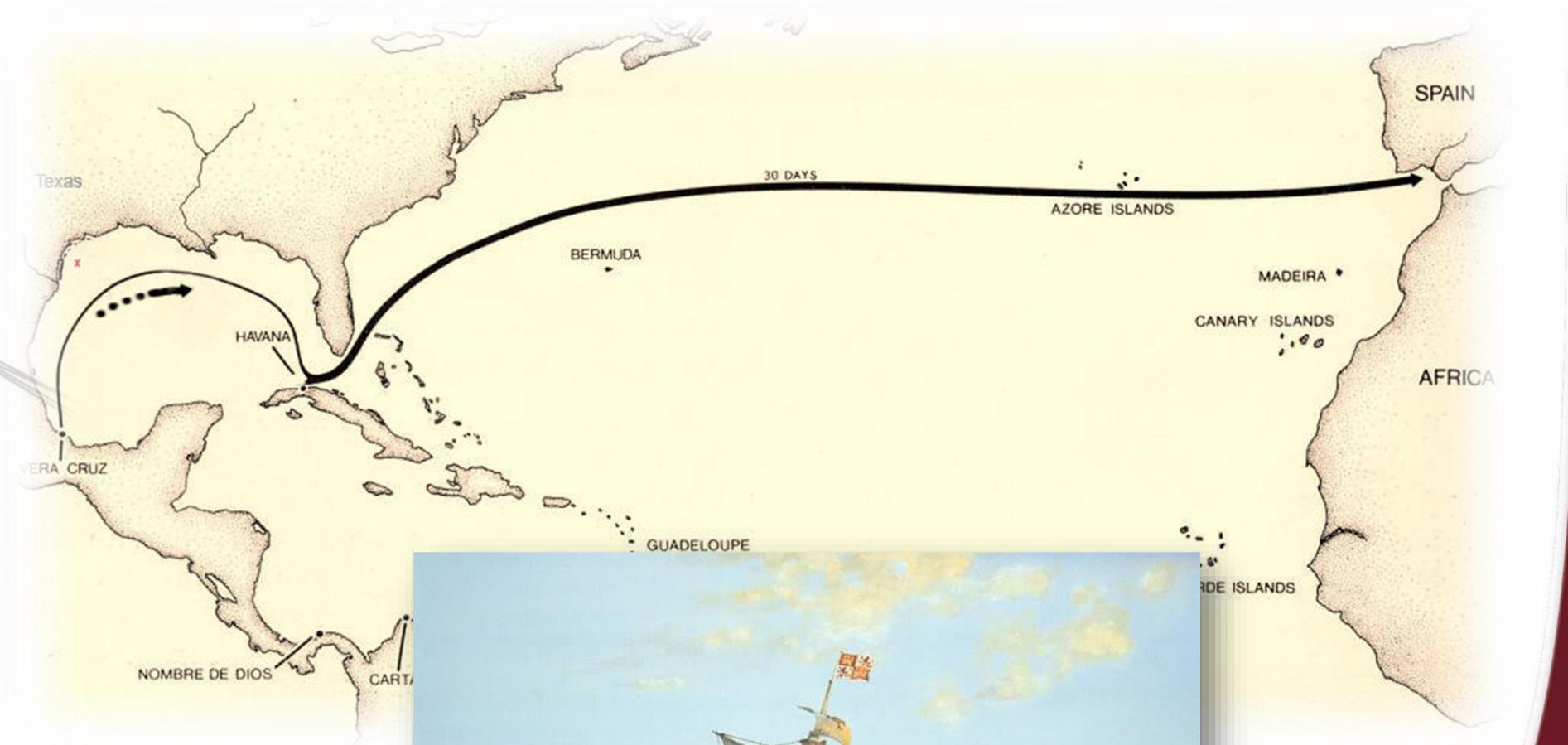
# Background and Introduction



- Regulatory Context
  - NHPA
  - The Code
  - UDC
- Redevelopment of St. John's

Anthro and Geography  
Texas State University

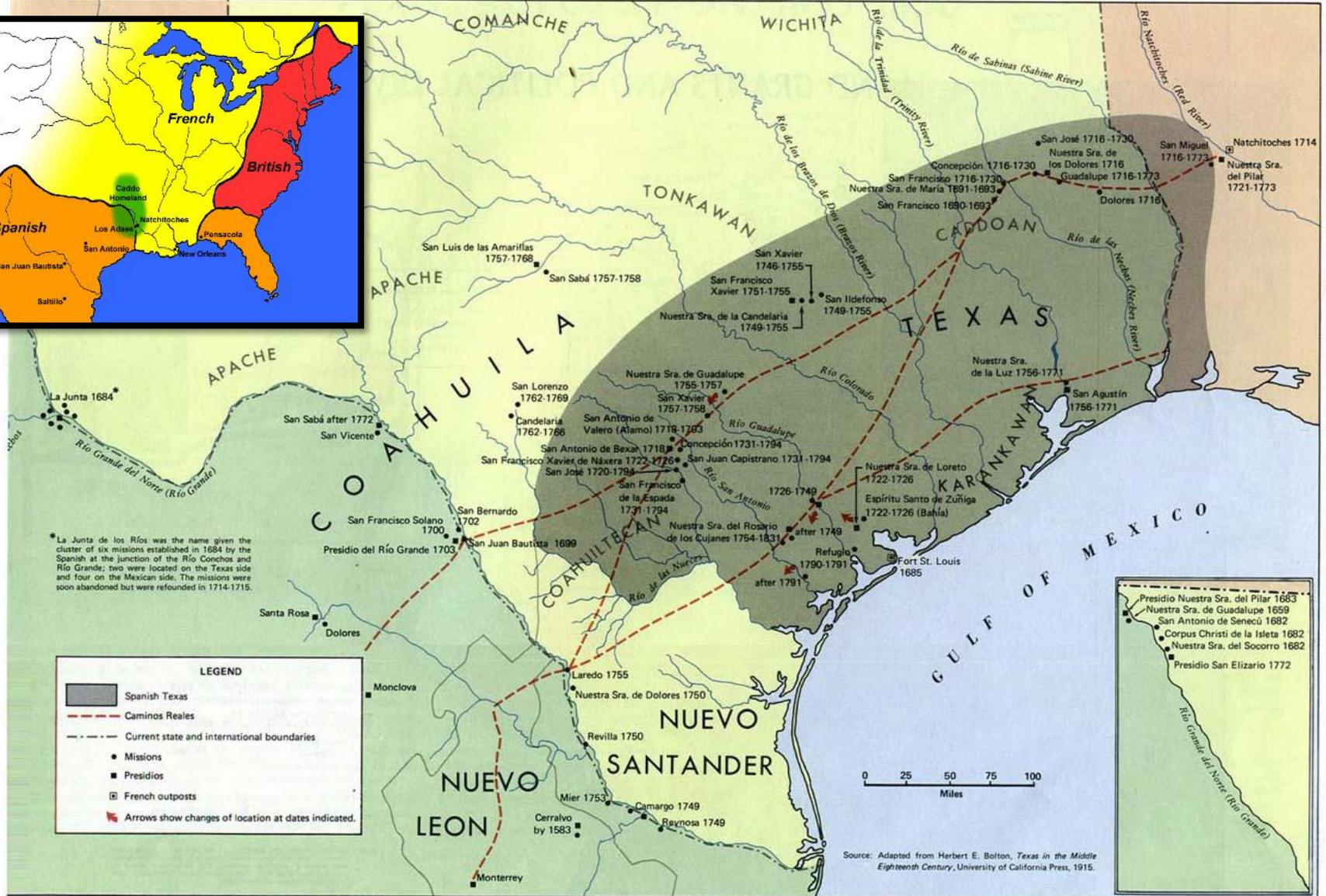
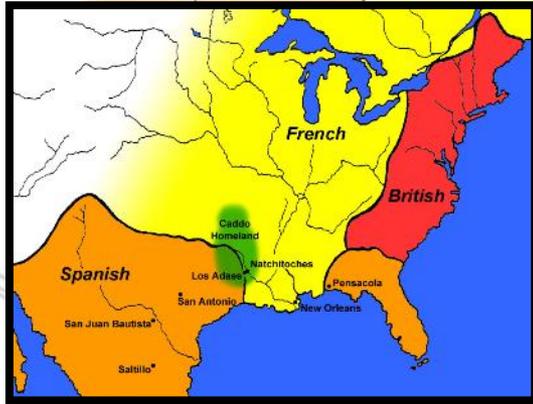
Senior Project Archaeologist, Principal Investigator  
Terracon Consultants, Inc.



San Andres  
San Esteban  
Espiritu Santo  
Santa Maria de Yciar  
**1554**

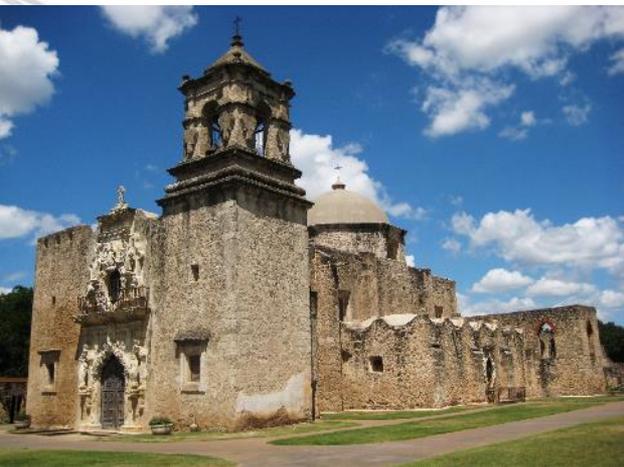


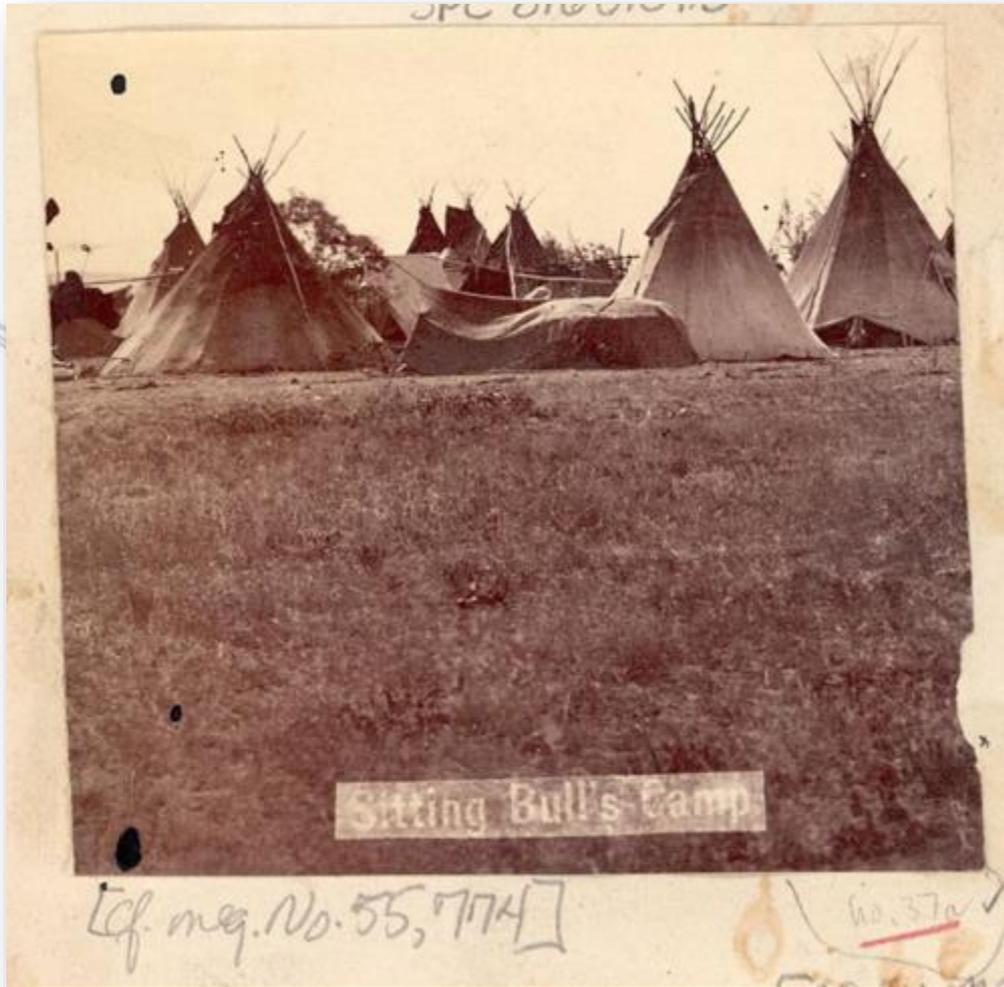
# SPANISH MISSIONS, PRESIDIOS, AND ROADS IN THE 17TH AND 18TH CENTURIES



\* La Junta de los Rios was the name given the cluster of six missions established in 1684 by the Spanish at the junction of the Rio Conchos and Rio Grande; two were located on the Texas side and four on the Mexican side. The missions were soon abandoned but were refounded in 1714-1715.



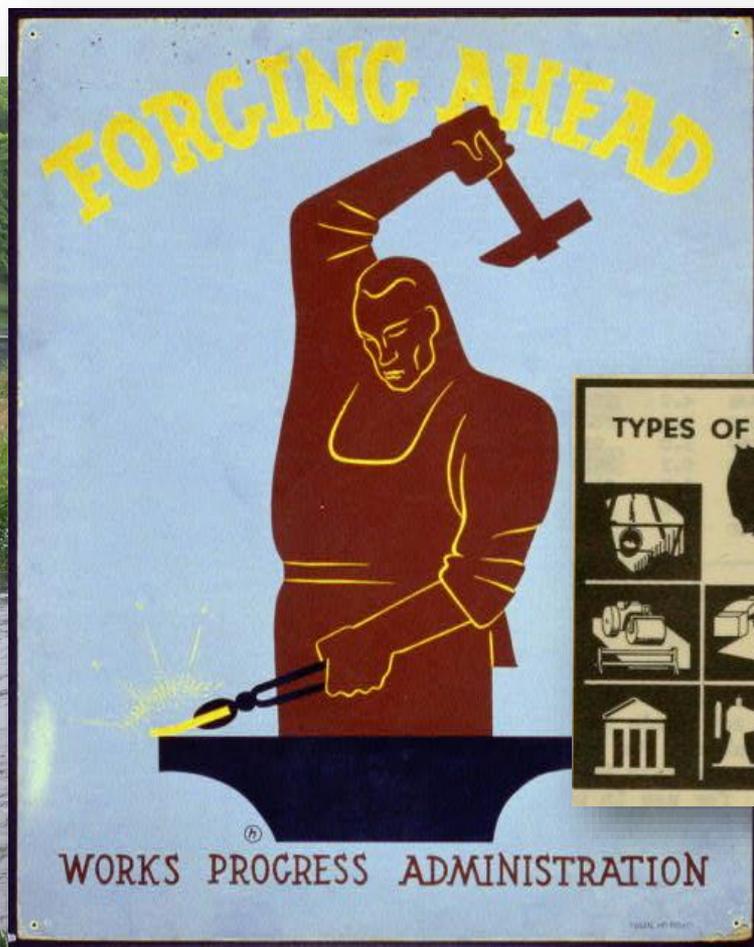




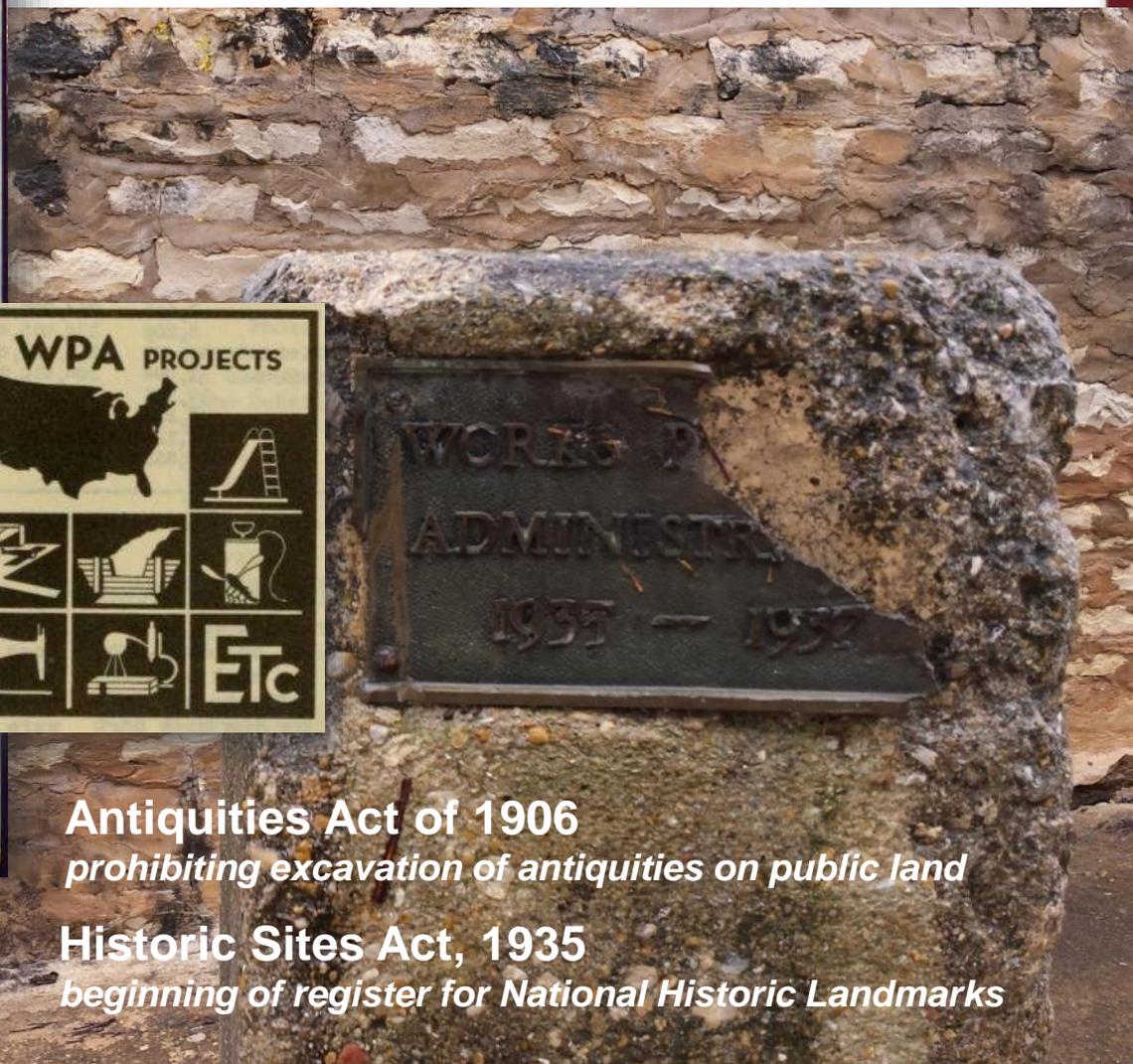
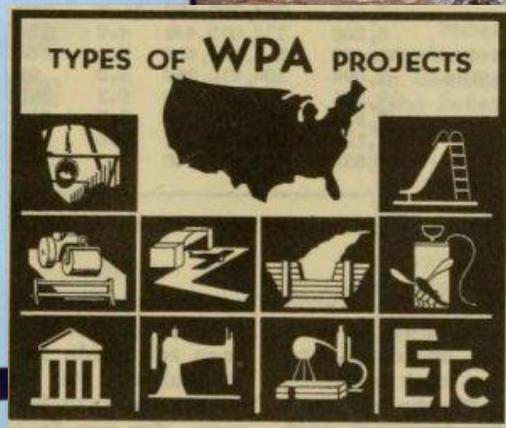
Department of the Interior and Smithsonian Institution  
i.e., Bureau of American Ethnology, 1879



Bull Run Battlefield, VA  
War Department



Depression Era  
historians, architects,  
field archaeologists, etc.



**Antiquities Act of 1906**

*prohibiting excavation of antiquities on public land*

**Historic Sites Act, 1935**

*beginning of register for National Historic Landmarks*

# National Historic Preservation Act of 1966

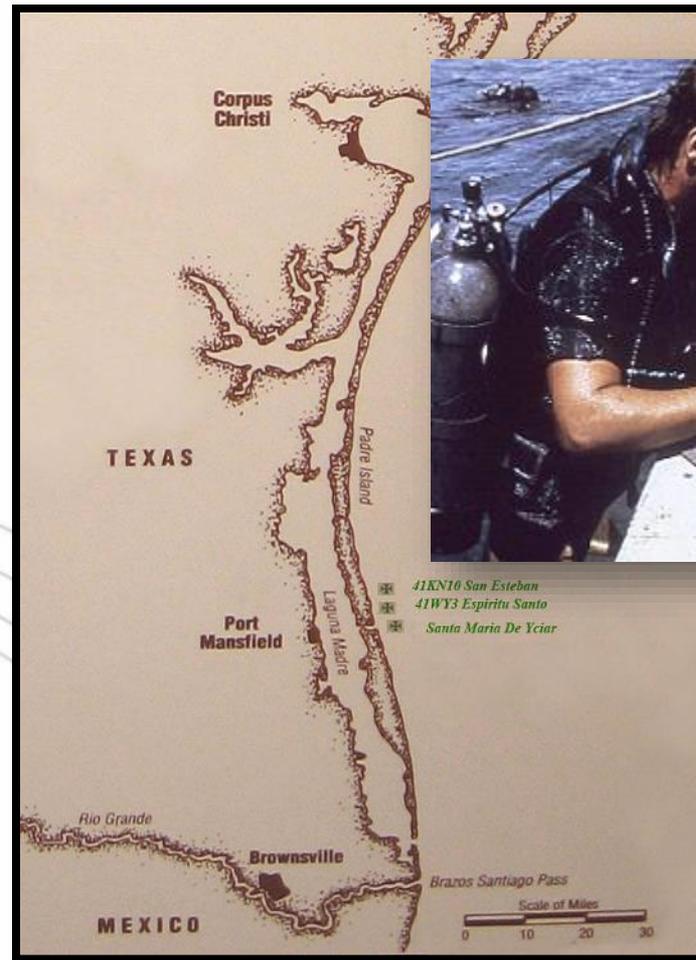
- ACHP and SHPOs
- National Register of Historic Places
- Section 106 (36 CFR 800)
  - *Requirement that agencies consider the effects of their actions on properties eligible for or included in the National Register of Historic Places...*



# The Antiquities Code of Texas

Established in 1969 in direct response to private, out-of-state salvage operation on 1554 shipwrecks

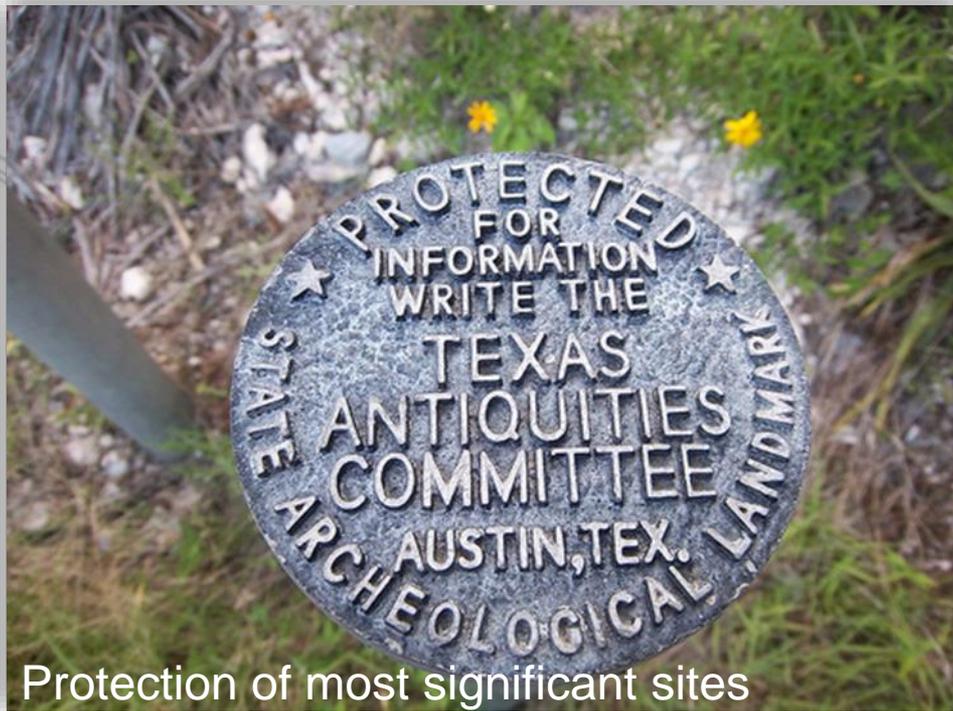
Gives Texas Antiquities Committee/Texas Historical Commission jurisdiction over cultural resources on state-owned lands





*... to locate, protect, and preserve all sites, objects, buildings, pre-twentieth century shipwrecks, and locations of historical, archaeological, educational or scientific interest . . .*  
(Natural Resources Code Title 9, Chapter 191)



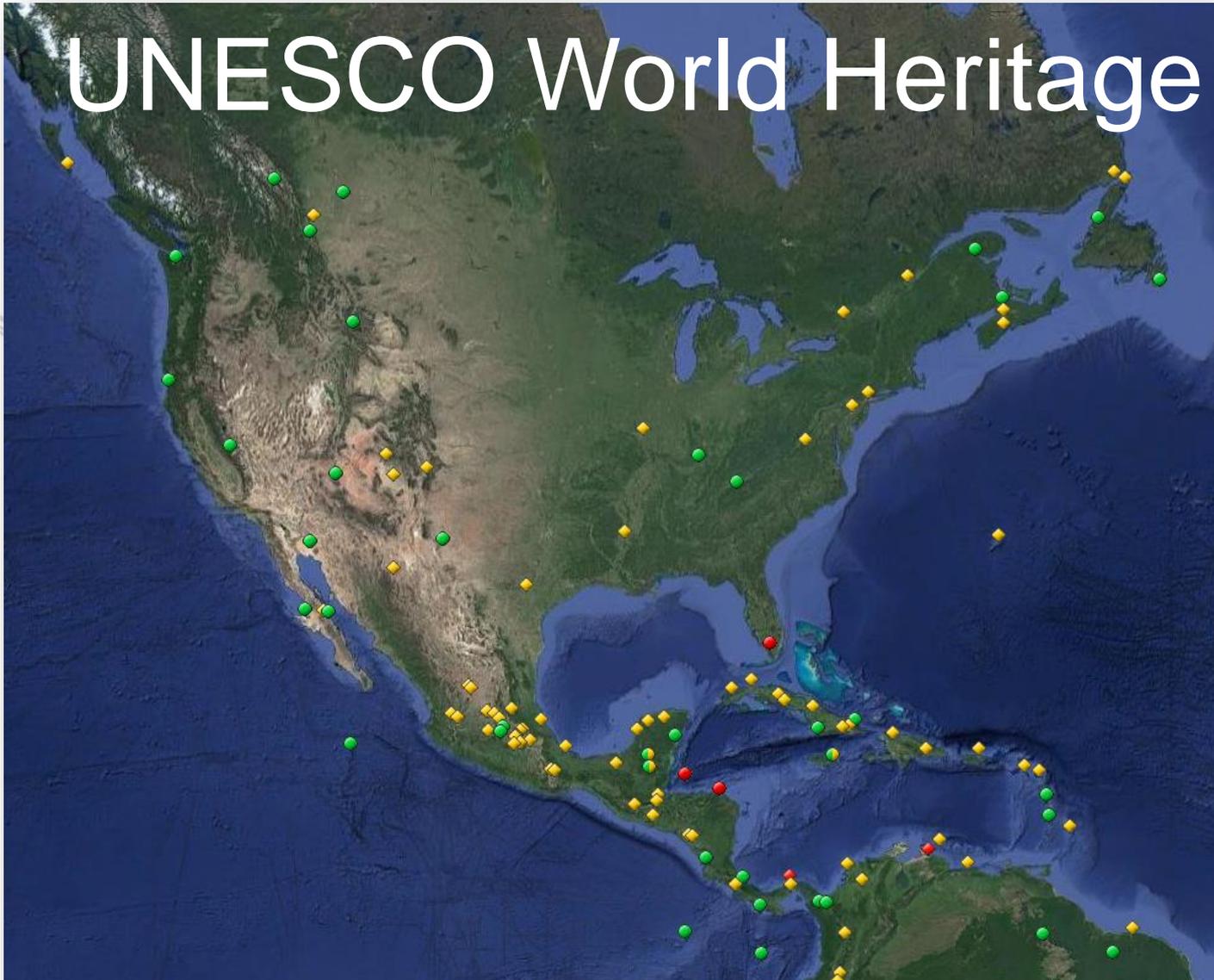


Protection of most significant sites

Political subdivisions of the State and other local government agencies must notify the THC prior to commencing any project on state land that will involve 5+ acres of ground disturbance, 5,000 cubic yards, historic districts, or recorded sites.

State agencies, including public universities, must notify the THC prior to breaking ground on state land.

# UNESCO World Heritage (1972)



Seeks to encourage the identification, protection, and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity.

# Unified Development Code

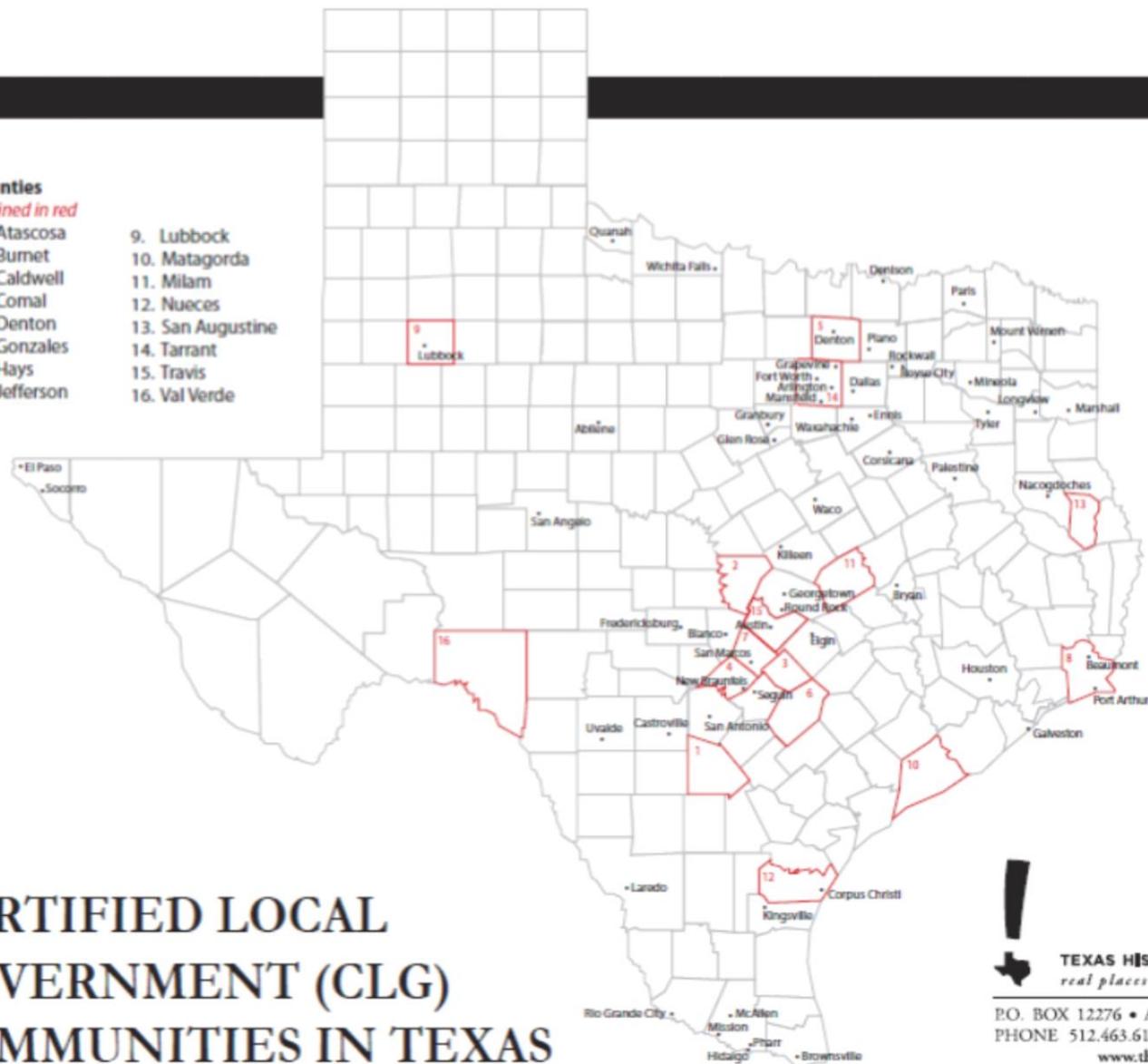


Mission Espada Acequia

- Historic Design and Review Commission
- Office of Historic Preservation
  - City Archaeologist
  - Assistant City Archaeologist

**Counties**  
*outlined in red*

- |              |                   |
|--------------|-------------------|
| 1. Atascosa  | 9. Lubbock        |
| 2. Burnet    | 10. Matagorda     |
| 3. Caldwell  | 11. Milam         |
| 4. Comal     | 12. Nueces        |
| 5. Denton    | 13. San Augustine |
| 6. Gonzales  | 14. Tarrant       |
| 7. Hays      | 15. Travis        |
| 8. Jefferson | 16. Val Verde     |



**CERTIFIED LOCAL  
GOVERNMENT (CLG)  
COMMUNITIES IN TEXAS**



**TEXAS HISTORICAL COMMISSION**  
*real places telling real stories*

P.O. BOX 12276 • AUSTIN, TX 78711-2276  
PHONE 512.463.6100 • FAX 512.475.8222  
[www.thc.state.tx.us](http://www.thc.state.tx.us)

# Cultural Resources

Aspects of the *human environment* that have *cultural value* to a group of people . . .



# What do CR practitioners do?

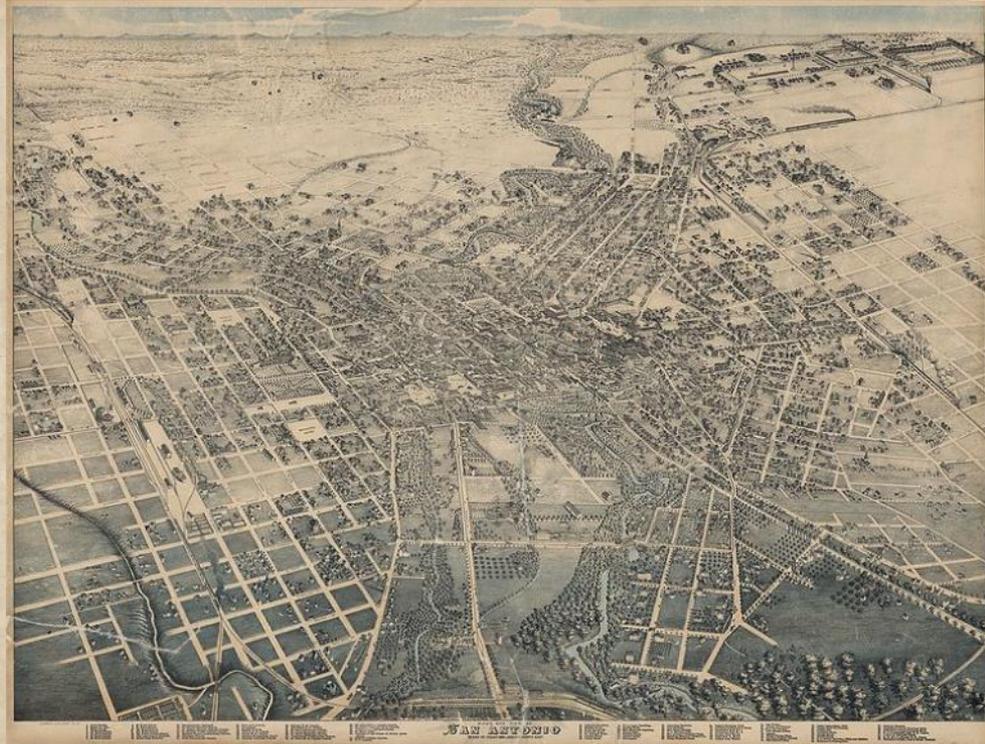
- Consultation/coordination
  - Conversations with regulators
  - Desktop reviews, assessments, etc.
- Compliance
  - Assessments, fieldwork, etc.
  - Permits?
  - Recommendations

# Desktop Review/Assessment

To initiate consultation with SHPO or to provide a site constraints analysis

- Protected (restricted access) data
  - Texas Archeological Sites Atlas
- Historical/Archival Information
  - Topographic maps, Bird's Eye maps, Sanborn Maps etc.
  - Deed records
  - Other sources?
- Physical landscape
  - Soil surveys
  - Geological Surveys





- Footprint of city expanding
- Hotel invasion
- Artifacts of mapping?

# Fieldwork: Surveys and more

- Standardized methodology
  - Including assessment/preparation
- Area of Potential Effect (APE)
- Data collection (i.e., sampling)
  - Shovel tests
  - Sites
  - Geography
  - Context



MINIMUM SURVEY STANDARDS For Project Areas of 200 Acres or Less Not greater than 30 meters		
Transect Interval		
Shovel Tests <sup>1</sup>		
Project Areas	<u>Size</u>	<u>Shovel test density</u>
	0-2 acres	3 per acre
	>3-10 acres	2 per acre
	>11-100 acres	1 every 2 acres
	>101-200 acres	1 every 3 acres
Linear Projects	≤100' (30 m) wide corridor	16 per mile
Number of Shovel Tests required to define site boundaries <sup>2</sup> minimum 6 – more for larger sites		
Average Rate of Survey (per person/per day)	Non-linear surveys: 15 acres	Linear surveys: 1-3 miles

<sup>1</sup>Shovel tests are excavated in settings that have potential for buried cultural materials. They must be dug whenever there is less than 30 percent ground surface visibility, except on slopes greater than 20 percent. Shovel tests are 30 cm in diameter or on a side and are excavated to the bottom of Holocene deposits, if possible. They are dug in levels no thicker than 20 cm with sediments screened through ¼-inch mesh unless high clay or water content requires that they be troweled through.

<sup>2</sup>Sites with more than 30 percent ground surface visibility do not have to be defined by six shovel tests.



Texas Historical Commission  
Archeology Division  
P.O. Box 12276, Austin, TX 78711-2276  
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Terracon

# Testing and Mitigation

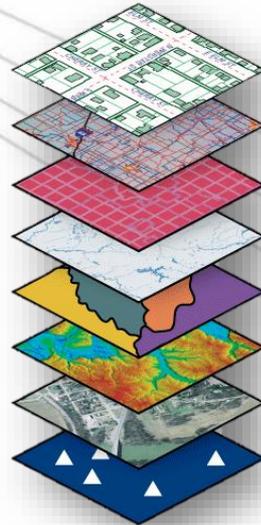
- Is the site/structure eligible for NRHP?
- Can adverse impacts be avoided?
- Scope coordinated with regulators

# St. John's Redevelopment



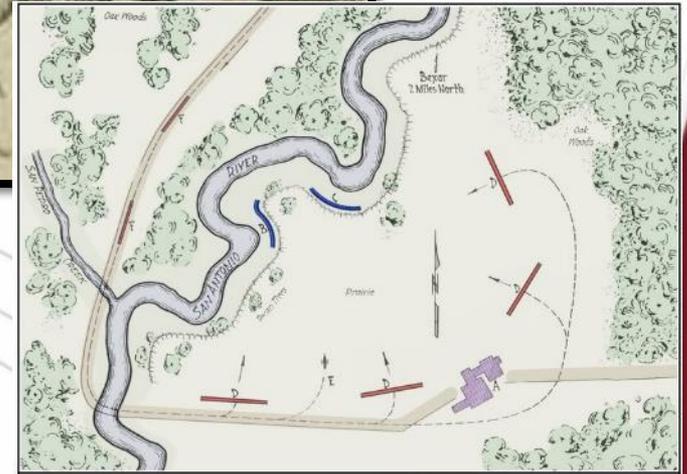
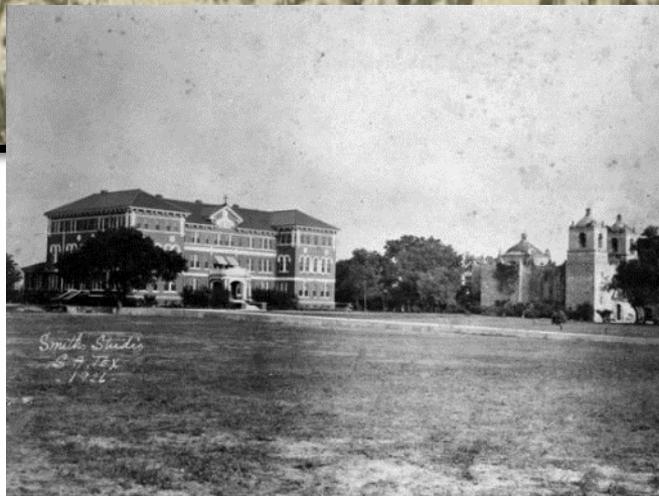
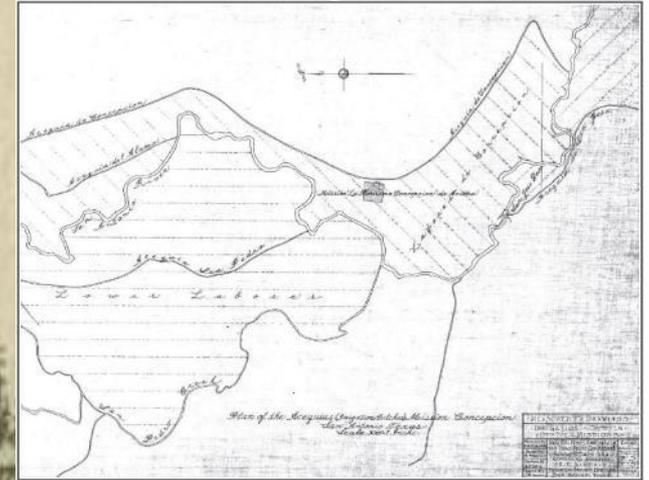
# Working Parameters

- Designations
  - Local Historic Marker/District
  - SAL
  - NRHP, NHL
  - World Heritage
- Regulatory obligations
  - UDC
  - Antiquities Code
  - Standard 8 of SOI for Rehabilitation Incentives

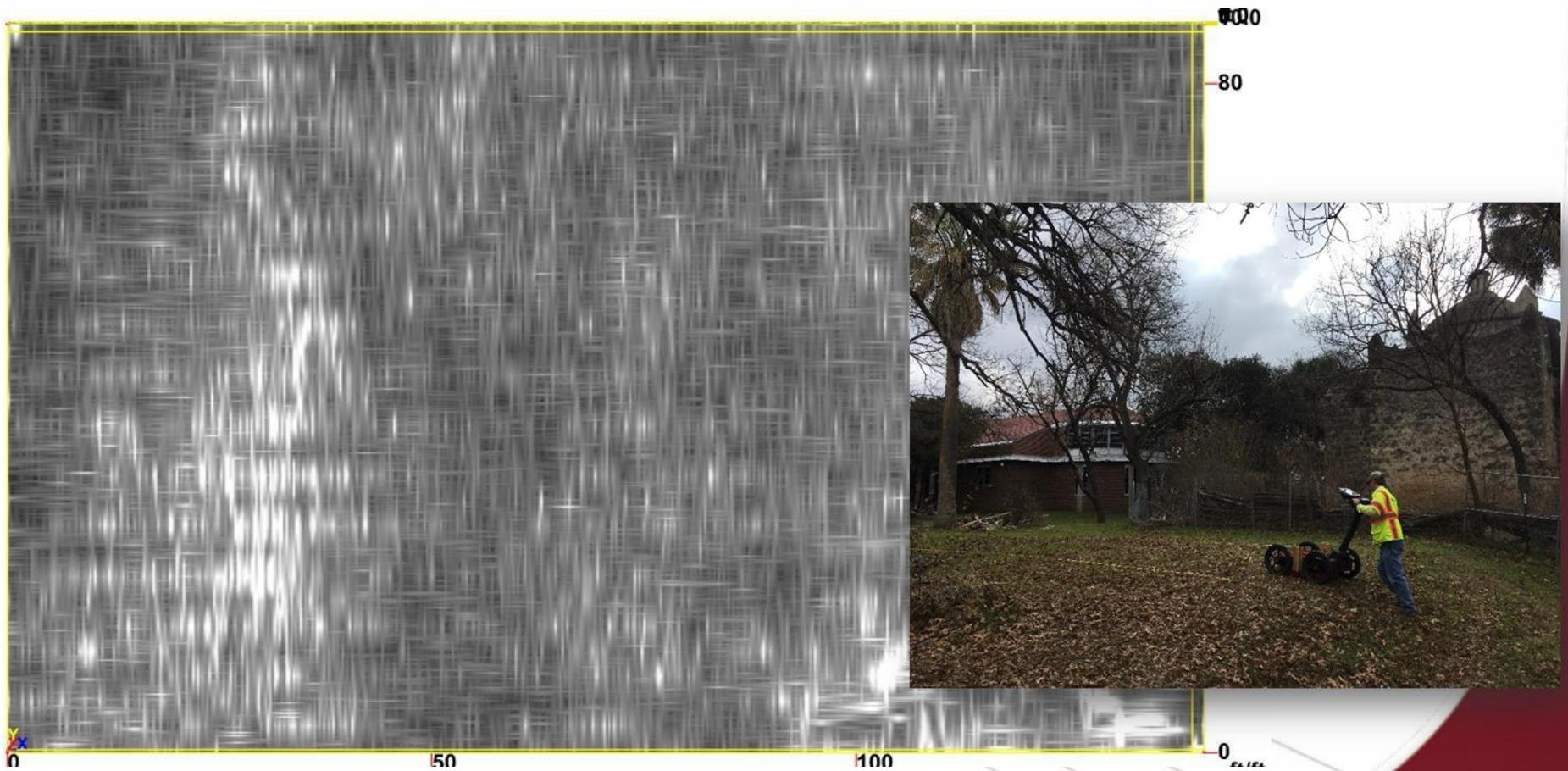


# Initial Research

M. de La Concepcion



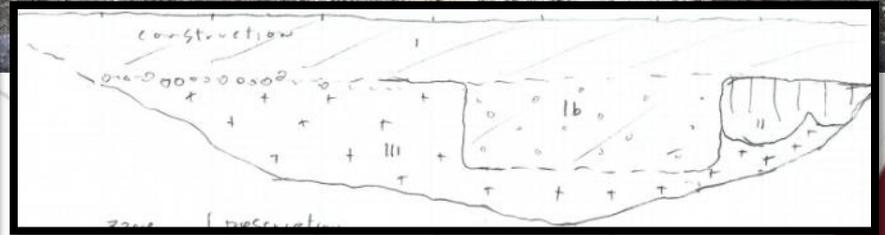
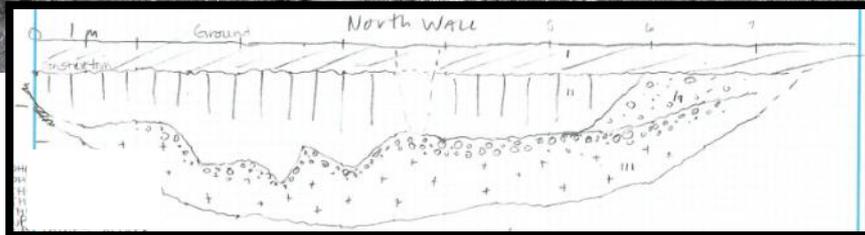
# Ground Penetrating Radar





# Intensive Survey

# Pajalache/Concepción Acequia



# Data Recovery



Many of the same types of artifacts as previously found PLUS mission-era Guerrero points

# Yet to be completed . . .

- Further excavations and archaeological monitoring
- Interpretation of mission-related elements
- Robust analysis and reporting



# Summary

- Section 106 of the National Historic Preservation Act requires consideration of impacts to cultural resources when there is a federal nexus.
- The Antiquities Code of Texas requires the assessment of impacts of development on cultural resources on state (and local government) property.
- The Texas Historical Commission is the legal custodian of the Antiquities Code and consults in 106 as SHPO.
- UDC is another level of regulation in San Antonio ETJ.
- CR practitioners (i.e., archaeologists, historians, architects, etc.) manage public and private projects through compliance

# Questions?

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