

## TEXAS HISTORICAL COMMISSION

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### AGENDA EXECUTIVE COMMITTEE

Videoconference meeting

February 2, 2021

3 p.m.

*(or upon adjournment of the Historic Sites committee, whichever occurs later)*

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Pursuant to the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act due to the Coronavirus (COVID-19), the February 2, 2021 meeting of the Executive Committee will be held by videoconference as authorized under Texas Government Code section 551.127. Zoom meeting access link (registration required): <http://bit.ly/feb2021committees> or audio only access via telephone at 1-346-248-7799; Webinar ID 918 0036 1390.

Agenda and meeting materials will be available at [www.thc.texas.gov/videoconferences](http://www.thc.texas.gov/videoconferences) after January 27, 2021. The members may discuss and/or take action on any of the items listed in the agenda.

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1. Call to Order
  - A. Committee member introductions
  - B. Establish quorum
  - C. Recognize and/or excuse absences
2. Consider approval of Executive Committee meeting minutes
  - A. October 27, 2020
  - B. December 10, 2020
3. Consider adoption of new rule to TAC, Title 13, Part 2, Chapter 26, section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks with changes to the text as published in the November 13, 2020 issue of the *Texas Register* (45 TexReg 8090-8091) (Item 6.5C) – *Wolfe*
4. Consider approval of dates/locations for 2021 and 2022 quarterly meetings (Item 15.2) – *Wolfe*
5. Consider approval of Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant award in the amount of \$215,000 to alternate grant project Anaqua Home, 904 Commerce Street, Refugio, Aransas County (Item 15.3) – *Wolfe*
6. Consider approval of appointments and/or reappointments to the Texas Preservation Trust Fund Advisory Board (Item 15.4) – *Wolfe*
7. Consider approval of revisions to the criteria for the Texas Historic Preservation Awards (Item 15.5) – *Wolfe*
8. Consider approval of filing authorization of proposed amendments to sections 26.3 and 26.22 of the Texas Administrative Code, Title 13, Part 2, Chapter 26 related to Practice and Procedure for first publication and public comment in the *Texas Register* (Item 15.6) – *Wolfe*
9. Information technology update – *Miller*
10. Human Resources Update – *Miller*
11. Committee Chairman's Report
  - A. Ongoing Projects; and
  - B. Updates and Upcoming Events
12. Adjourn

# MINUTES

## TEXAS HISTORICAL COMMISSION

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### MINUTES EXECUTIVE COMMITTEE Videoconference meeting October 27, 2020 3:15 p.m.

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*Note: For the full text of action items, please contact the Texas Historical Commission at P.O. Box 12276, Austin, TX 78711 or call 512.463.6100.*

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#### 1. Call to Order

The meeting of the Texas Historical Commission (THC) Executive Committee was called to order by Chairman John Nau at 3:55 p.m. on October 27, 2020. He announced the meeting had been posted to the *Texas Register* and was being conducted as a videoconference meeting as authorized under Texas Government Code section 551.127 and pursuant to the Governor's executive order to avoid gatherings of more than ten and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act.

#### A. Committee member introductions

Committee members present included:

Chairman John Nau	member Earl Broussard
Vice-Chairman John Crain	member Daisy White
Secretary Pete Peterson	

#### B. Establish quorum

Chairman Nau reported a quorum was present and declared the meeting open.

#### C. Recognize and/or excuse absences

There were no absences

#### 2. Consider approval of Executive Committee meeting minutes

##### A. June 16, 2020

##### B. August 17, 2020

Commissioner Daisy White moved, Commissioner John Crain seconded, and the committee voted unanimously to approve the executive minutes from June 16, 2020 and August 17, 2020.

#### 3. Consider re-adoption of Title 13, Texas Administrative Code, Part 2, Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections) without change as published in the July 10, 2020 issue of the *Texas Register* (45 TexReg 4803)

Executive Director Mark Wolfe reported the Texas Historical Commission (THC) filed notice of the proposed rule review of Texas Administrative Code (TAC), Title 13, Part 2, Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections) with the *Texas Register* following the June 17, 2020 quarterly meeting in accordance with Texas Government Code, section 2001.039. He explained that the THC received no comments regarding the rule review.

Commissioner Crain moved, Commissioner Earl Broussard seconded, and the committee voted unanimously to send forward, to the commission, the recommendation to approve the re-adoption of Title 13, Texas Administrative Code, Part 2, Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections) without changes as published in the July 10, 2020 issue of the *Texas Register* (45 TexReg 4803) and to conclude the rule review of the above-mentioned chapters.

#### **4. Internal Audit Program**

##### **A. Consider approval of Annual Internal Audit Plan FY2021**

Deputy Director of Administration, Alvin Miller reported that an internal audit plan is submitted annually to the commission for their consideration. He noted that the document in their meeting packets presented the proposed fiscal year 2021 Internal Audit Plan for their review and approval in accordance with the Texas Internal Auditing Act. Miller called on Darlene Brown, Director with McConnell & Jones LLP who explained that the annual audit plan was developed using a risk assessment framework. She stated that the plan included internal audits of the Texas Historic Preservation Tax Credit Program as well as the National Register and State Antiquities Landmark designation processes. Commissioner Crain moved, Commissioner White seconded, and the committee voted unanimously to send forward to the commission the recommendation to approve the FY2021 Annual Internal Audit Plan.

##### **B. Internal Audit Annual Report FY 2020**

Brown provided a review of the FY2020 internal audit plan status including the findings of an audit of the Historic Sites Division Retail Operations. No action was required or taken.

#### **5. Confirm re-appointments to the Board of Trustees of the Friends of THC**

Executive Director of The Friends of the Texas Historical Commission (Friends) Anjali Zutshi reported the Trustees were appointed for three-year terms and were selected to provide preservation, operational and investment advice to the organization and to ensure that the activities of the organization support the preservation efforts of the THC. She explained that the current board of trustees includes fourteen (14) Commission appointees, and six (6) Corporate appointees. Zutshi noted that the terms for Sarita Hixon, Harriet Latimer, MariBen Ramsey, and Dianne Duncan Tucker had expired in August 2020 and all had expressed a desire to continue to serve. Commissioner White moved, Commissioner Broussard seconded, and the committee voted unanimously to send forward to the commission the recommendation to confirm the re-appointment of Sarita Armstrong Hixon, Harriet Latimer, MariBen Ramsey, and Dianne Duncan Tucker as Commission Trustees of the Friends of the Texas Historical Commission for another three-year term each for FY 2021-2023.

#### **6. Consider approval of the Project Fundraising Priorities list requiring private funds in excess of \$50,000 for FY 2021 (item 15.3) – Zutshi**

Zutshi reported that, in accordance with the Memorandum of Understanding between the THC and the Friends of THC, projects exceeding \$50,000 requiring funding from the Friends must be approved by a vote of the Commission or by a vote of the Executive Committee of the Commission. She referred commissioners to a list of projects in their meeting packets (Exhibit #1) developed by the Friends, with input from, and consultation with, the division directors and executive director of the THC. In closing, she stated that, upon approval by the Commission, the list of projects requiring private funds in excess of \$50,000 would be approved by the Friends at their quarterly board meeting on October 30, 2020. Commissioner White moved, Commissioner Crain seconded, and the committee voted unanimously to send forward the recommendation to the commission to approve projects as presented and to request that the Friends proceed with fundraising.

#### **7. Consider approval of supplemental funding for previously awarded Texas Preservation Trust Fund Grant Program projects**

Texas Preservation Trust Fund Program Coordinator Lisa Harvell reported there were two supplemental grants to consider. Projects were Casa Ronquillo in San Elizario, El Paso County and the Mary Christian Burleson Homestead in Elgin, Bastrop County. Harvell noted that in June of 2020, the City of Carrizo Springs, Dimmit County, returned their FY 2018 grant funds of \$30,000 after deciding to demolish the old firehouse instead of proceeding with a phased restoration project. THC staff recommended that \$24,000 of the \$30,000 be reallocated to Casa Ronquillo due to the large scope of work that the County of El Paso is undertaking. The County originally received a grant award of \$30,000 and the additional grant funds bring their total grant award to \$54,000. She indicated that the remaining \$6,000 from the return of the Carrizo Springs Firehouse grant was awarded to the FY 2018 Preserve America Youth Summit heritage education grant project. Conservation Legacy initially requested \$40,000 and the THC awarded \$20,000. As per the FY 2018 TPTF grant award motion page,

the Commission gave authorization to the Executive Director to award returned grant funds to grant recipients where the grant amount originally requested was reduced to a lesser amount. Harvell further explained that on August 23, 2020, the board of the First Church of Christ Scientist in Victoria returned their TPTF Hurricane Harvey emergency grant funds of \$30,000. The original project contact passed-away after the grant was awarded and the remaining church board members had a difficult time administering the project and determining how the grant funds would be spent. THC staff recommended that \$30,000 be reallocated to the Mary Christian Burleson Homestead Foundation due to the large scope of work being undertaken. The Foundation originally received a TPTF Hurricane Harvey Grant award of \$30,000 and the additional grant funds bring their total emergency grant award to \$60,000. In closing, Harvell explained that the FY 2018 and FY 2019 Emergency grant funds expire on August 31, 2021, and both projects committed to finishing their proposed work prior to that date. Commissioner John Crain moved, Commissioner White seconded, and the committee voted unanimously to send forward to the commission, the recommendation to approve a supplemental award of \$24,000 to the County of El Paso for the Casa Ronquillo project located in San Elizario, El Paso County, Texas and to approve a supplemental award of \$30,000 to the Mary Christian Burleson Homestead Foundation for the homestead project located in Elgin, Bastrop County Texas..

#### **8. Consider approval of funding recommendations for the Texas Preservation Trust Fund Grant Program (TPTF) for Fiscal Year 2021**

Executive Director Mark Wolfe explained that, every legislative session, the THC requests that the legislature appropriate the interest earned from THC's TPTF to award grants. He stated the amount appropriated is approximately \$125,000 per year. He noted that this year the application process had overlapped with the Governor's request for all state agencies to reduce their general revenue budget by five percent. Wolfe reported that the agency submitted various options to meet the requested reduction with the least favored option being to relinquish the TPTF interest for this year. He noted that the Legislative Budget Board chose that least favored option and, consequently, the funds were no longer available to award this year. Wolfe stated that the TPTF advisory committee proceeded to meet and make their recommendations so that the grants could be awarded if and when the funds became available again. He stated that the five percent reduction was out of a single year therefore, funds will be available again next year. In closing, he stated the commissioners' choices were to go ahead and vote on the recommendations or wait until after the conclusion of the legislative session and vote on the item when they could confirm that the funds were in-hand. Discussion ensued regarding the options and outcomes of awarding the grants immediately versus delaying the action. Chairman Nau moved, Commissioner Peterson seconded, and the committee voted unanimously to send forward the recommendation to the commission to conditionally approve \$247,187.50 in funding recommendations for the FY 2021 TPTF Grant Program as per the TPTF Advisory Board Funding Recommendations table (Exhibit #2); and to consider making final awards when and if funding is secured.

#### **9. Consider approval of Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant awards to alternate grant projects**

Lisa Hart, Program Coordinator, Disaster Assistance Program reported the THC awarded 39 projects in May and July 2019 for a total of \$8,373,401 with eight projects identified as alternate projects. She explained that the Commission reserved \$626,599 in grant funding for distribution to alternate projects, program-required National Register nominations and for possible supplementation to previously awarded projects. Hart explained that, as of August 2020, one of the approved projects, the First Church of Christ, Scientist, had withdrawn from the program leaving an allocation of \$224,329. She further explained that there was adequate reserve to fund two alternate projects. She gave a brief background on projects on the alternate list; the Fire Station #3, 1919 Houston Avenue, Houston, Harris County; and the, Ritz Theater, 715 N. Chaparral Street, Corpus Christi, Nueces County. Questions and discussion followed regarding the allocation of funds awarded to THC's historic sites that were also damaged during Hurricane Harvey. Director Wolfe explained that the National Park Service did allow for monitored funds to be awarded to THC's own sites. Commissioner Daisy White moved, Commissioner Peterson seconded, and the committee voted unanimously to send forward to the commission, the recommendation to approve up to \$247,383.91 in funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund Grant program to Fire Station #3, 1919 Houston Avenue, Houston, Harris County and to approve up to \$230,000 in funding from the Hurricanes Harvey, Irma and

Maria Emergency Supplemental Historic Preservation Fund grant program to the Ritz Theater, 715 N. Chaparral Street, Corpus Christi, Nueces County. (Exhibit #3)

#### **10. Consider approval of recommendations for 2020 Texas Historical Commission Preservation Awards**

History Programs Division Director Charles Sadnick reported the THC's annual awards recognize worthy accomplishments and exemplary leadership in the preservation of Texas' heritage. He noted that awards were typically presented at the Real Places Conference at the awards banquet but this year, winners would be recognized virtually (via Zoom) in lieu of an in-person event. Sadnick directed commissioners to the list of the staff's 2020 award recommendations for their consideration. Discussion ensued regarding the commission's options for recognizing the recipients due to the COVID-19 pandemic. Chairman Nau moved, Commissioner White seconded, and the committee voted unanimously to send forward to the commission, the recommendation to approve the following award recipients:

- **Governor's Award for Historic Preservation:** Community Historical Archaeology Project with Schools (CHAPS), University of Texas Rio Grande Valley
- **Ruth Lester Lifetime Achievement Award:** Lareatha Clay
- **John Ben Shepperd County Historical Commission Leadership Award:** Sandy Fortenberry, Lubbock Co.
- **George Christian Outstanding Volunteer of the Year Award:** John R. Dulin
- **John L. Nau, III Award for Excellence in Museums:** Harrison County Historical Museum
- **Curtis D. Tunnell Lifetime Achievement Award in Archeology:** Kay Hindes
- **Anice B. Read Award of Excellence in Community Heritage Development:** Linda McCalla, Georgetown
- **Award of Excellence in Preserving History:** Sons of the Republic of Texas, Sam Houston Chapter, and University of Texas at San Antonio Libraries Special Collections Department, Kathryn Stoner O'Connor Mexican Manuscript Collection digitization effort
- **Award of Excellence in Historic Architecture:** Dohn LaBiche, FAIA / LaBiche Architectural Group
- **Award of Excellence in Media Achievement:** The Open-Ended City: David Dillon on Texas Architecture, edited by Kathryn E. Holliday

#### **11. Consider approval of filing authorization of proposed new rule to TAC, Title 13, Part 2, Chapter 26, section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks for first publication and public comment in the *Texas Register* (item 15.8)**

Director Wolfe reported that it had come to the attention of the THC administration that the current rules administering the Antiquities Code of Texas did not provide a process to request delisting of State Antiquities Landmarks when the integrity or significance of a property has changed. He noted that the agency was proposing to add a new rule in Chapter 26 of the Texas Administrative Code (TAC), Part 2, Section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks. Wolfe explained that the proposed rule created a process for removal requests of State Antiquities Landmark designations by referral to the Antiquities Advisory Board and the Commission, with provisions for appropriate public notice and comment.

He noted the first publication would take place after approval by the Commission with a 30-day public comment period following the publication, therefore changes approved by the Commission would come back for final approval and second publication at the February 2021 meeting. Discussion followed regarding various details of the proposed new procedure. Commissioner Crain moved, Commissioner White seconded, and the committee voted unanimously to send forward to the Commission the recommendation to approve the filing authorization of the proposed new rule to TAC, Title 13, Part 2, Chapter 26, section 26.28 related to the Removal of Designations for the privately or publicly owned landmarks for first publication and public comment in the *Texas Register*.

## **12. Information technology update**

Deputy Executive Director of Administration Alvin Miller reported on the progress of the agency computer refresh for FY2020 and the refresh plan for FY2021.

## **13. Human Resources Update**

Miller reported the agency faced a major transition in response to the COVID pandemic and had become a fully digital, online, remote work capable agency. His update included a report on the implementation of the Centralized Accounting and Payroll/Personnel (CAPPS) system; DocuSign; CAPPS Recruit/Onboarding Go-live; providing an application screening and management tool for directors; and successful migration to Microsoft Teams which was being utilized by THC employees across the state.

## **14. Committee Chairman's Report**

Chairman Nau stated he would provide his full report at the THC meeting the following day.

## **15. Adjourn**

On the motion of the chair, and without objection, the meeting was adjourned at 4:54 p.m.

**TEXAS HISTORICAL COMMISSION**

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**Item 15.3**

Texas Historical Commission  
Quarterly Meeting  
October 27 & 28, 2020

**Review and approve projects requiring private funds in excess of \$50,000 for FY 2021****Background**

In accordance with the Memorandum of Understanding between the Texas Historical Commission and the Friends of THC projects exceeding \$50,000 requiring funding from the Friends must be approved by a vote of the Commission or by a vote of the Executive Committee of the Commission.

The attached list of projects (*attachment provided for your review*) was developed by the Friends of the Texas Historical Commission, with input from, and consultation with, the division directors of each THC division, as well as with final review by the Executive Director of the THC. Upon approval by the Commission, this list of projects requiring private funds in excess of \$50,000 will be approved by the Board of the Friends of the THC at their quarterly board meeting on October 30, 2020.

**Suggested Motions**

Move to approve projects as presented and to request that the Friends proceed with fundraising.

**FRIENDS OF THE TEXAS HISTORICAL COMMISSION**  
**PROJECT FUNDING PRIORITIES FY 2021 - FINAL Presented for Approval by the Commission (10.2020)**

Notes:					
1. Friends fundraising priorities are categorized into three focus areas - Capital, Education, and Stewardship					
2. Projects marked with a plus sign (+) were approved in previous fiscal years, but have amended (increased) \$ goals.					
2. Projects marked with a minus sign (-) were approved in previous fiscal years, but have amended (decreased) \$ goals.					
Project name	Division	Project Description	Fundraising Goal	FY	Notes
<b>Priority 1</b>					
Texas Archeology Stewardship Network( <i>Stewardship</i> )(-)	Archeology	Ongoing training/workshops for the TASN	\$3,000	2021	\$3,500 raised in FY 2018. The balance will provide funding for the program for 5 years.
Mobile Apps ( <i>Education</i> ) ( <i>new</i> )	COMM/CHD	Development of a mobile app for heritage tourism	\$150,000	2021	Details TBD
Real Places Conference ( <i>Education</i> ) (-)	CHD	Conference underwriting	\$40,000	2021	verbal commitment from Phoenix 1 for title sponsorship
THC Awards Banquet ( <i>Education</i> )	HPD	THC Awards			
Eisenhower Birthplace ( <i>Capital</i> ) (+)	HS	Capital Improvements - Monument, landscape design, and upgrades (Phase I)	\$1,089,986	2021 - 2022	Fundraising ongoing, with \$90,000 raised.
Caddo Mounds - Visitor Center Phase II ( <i>Capital</i> ) ( <i>new</i> )	HS	Construction of Phase II (education building) of the Caddo Mounds SHS visitor center and outdoor educational infrastructure; match for \$2.5 million in state appropriations	\$2,500,000	2021 - 2023	Numbers may be revised following detailed design development and business plan development.
Caddo Mounds ( <i>Program and Planning</i> )	HS	Construction of the Caddo Grass House; Community engagement for planning	\$100,000	2021 - 2023	
French Legation ( <i>Capital</i> ) (-)	HS	Restoration of Legation House and grounds	\$50,000	2021	Funds to cover the gap for the completion of the Carriage House/Visitor center project.
French Legation ( <i>Education</i> ) ( <i>new</i> )	HS	Exhibition materials, interpretive components	\$80,000	2021 - 2022	
Levi Jordan Plantation Museum ( <i>Capital</i> )	HSD	Capital Improvements and interpretation over the next 3-5 years	TBD	2021-2023	<b>Moved to Priority 1</b> ; Begin campaign feasibility analysis in FY 2021
San Jacinto Monument - Museum Addition ( <i>Planning</i> ) ( <i>new</i> )	HSD	Feasibility study	TBD	2021-2023	

**FRIENDS OF THE TEXAS HISTORICAL COMMISSION**  
**PROJECT FUNDING PRIORITIES FY 2021 - FINAL Presented for Approval by the Commission (10.2020)**

Project name	Division	Project Description	Fundraising Goal	FY	Notes
Ft. Griffin - Longhorn Herd <i>(Capital)</i>	HS	Land/easement acquisition (~2,000 acres) for effective management of the THC longhorn herd at Ft. Griffin	\$2,000,000	TBD	
<b>Priority 2</b>					
Old Socorro Mission <i>(Capital)</i>	Archeology	Land acquisition and development plan	\$600,000	2021	
Courthouse Stewardship Workshops <i>(Stewardship)</i>	Architecture	Two regional and one statewide workshop	\$20,000	2021	Request submitted to TLTA - pending approval
First Lady's Tour <i>(Education) (+)</i>	CHD	Main Street Tour	\$25,000	2021	Funded primarily by IBAT, but may need support for FY 2021
DowntownTX - Phase II <i>(Program expansion) (new)</i>	CHD	Software improvements and enhancements	\$35,000	2021-2022	There continue to be ongoing needs for software improvements and enhancements, though expect them to be more modest next year, perhaps in the \$30,000-50,000 range. Given what could be tight overall funding, this could move up to Priority 2. This amount would be mostly technology but it could include some additional legal/business needs we may have.
Archeological Stewards and Staff Research Fund <i>(Program) (new)</i>	Archeology	A grant program for Stewards to support on-site research	\$20,000	2021 - 2022	Provide grant funding to TASN stewards for on-site research, like chronometric dating, or materials analysis. Also provide additional funding for regional review staff for research.
Cemetery Support Fund <i>(Program) (new)</i>	Archeology	Grant program to assist private landowners with preservation of prehistoric and abandoned or lost cemeteries.	??	2021 - 2022	To fund a grant program to assist private landowners with preservation efforts for prehistoric and abandoned or lost cemeteries, including recording, protecting and possibly for exhumation. The changes to the Health and Safety Code has created tension between landowners and their interest groups and archeologists, and developing a program that could provide resources might be a way to mitigate the anxiety and lack of trust.
THC Education Program <i>(Program) (new)</i>	HPD	A comprehensive Education Program that provides funding for K-12, post-secondary, and professional development programs.	\$37,000	2021-2022	\$9,000 for Youth Education (virtual summer camps and content development); \$10,000 for 3rd party e-learning platform for K-12 education; and \$17,200 for Museum Services Webinars program
Dialogue as Interpretive Strategy - ICOSOC Training <i>(Education)</i>	HSD	Contract with the ICOSOC for 3-4 trainings per year for site and other staff across the agency	\$50,000	2021-2023	\$15,000 per year for 3 trainings for 25 staff each.
Sam Bell Maxey House <i>(planning)</i>	HS	Cultural Landscape Plan and implementation	\$75,000	2021-2023	<b>Moved to Priority 2</b>

**FRIENDS OF THE TEXAS HISTORICAL COMMISSION**  
**PROJECT FUNDING PRIORITIES FY 2021 - FINAL Presented for Approval by the Commission (10.2020)**

Project name	Division	Project Description	Fundraising Goal	FY	Notes
San Jacinto Monument ( <i>Education</i> )	HSD	Interpretive Masterplan and Cultural Landscape Plan	\$180,000	2021-2023	
Port Isabel ( <i>Capital</i> )	HSD	Lighthouse lens (3rd order), plus base, lamp, shipping and installation	\$150,000	2021	
Collections Care Project ( <i>Program</i> )	HSD	Expand emergency response and salvage capabilities at all regional collections repositories for THC, and institute environmental and condition monitoring for all collections stored at THC historic Sites and THC Curatorial Facility for Artifact Research. Includes software, equipment, and remote monitoring.	\$250,000	2021-2023	
Digital Collections Archives ( <i>Education</i> )	HSD	Expanding the capabilities of the existing Digital Collections Database to enable all collections to be digitally inventoried, as well as make collection information "web ready". Cost will include part time staff, equipment, software, operating costs, etc. Focused primarily on archeological sites.	\$225,000	2020-2022	
<b>Priority 3</b>					
Monument Hill and Kreische Brewery ( <i>Capital</i> )	HS	Architectural restoration; stabilization of the ruins; interpretive masterplan for the ruins	TBD	2021 - 2023	
Palmito Ranch Viewing Tower ( <i>capital</i> ) ( <i>new</i> )	HS		??	2021 - 2023	
Port Isabel ( <i>Program</i> ) ( <i>new</i> )	HS	Exhibits refresh and lighting in exhibit space	\$85,000	2021 - 2023	
Collections Storage Facility ( <i>capital</i> )	HS	Permanent THC collections facility	TBD	TBD	
THC Digital Archives ( <i>Education &amp; Stewardship</i> )	THC	A complete management system for all THC owned images, videos, oral histories, etc.	\$200,000	TBD	Alvin's input - need to define scope, identify requirements, archival standards, etc.

**FRIENDS OF THE TEXAS HISTORICAL COMMISSION**  
**PROJECT FUNDING PRIORITIES FY 2021 - FINAL Presented for Approval by the Commission (10.2020)**

<b>Project name</b>	<b>Division</b>	<b>Project Description</b>	<b>Fundraising Goal</b>	<b>FY</b>	<b>Notes</b>
<b>Friends Fundraising - PRIORITY 1</b>					
Preservation Scholars Program ( <i>Education</i> )	Friends - Restricted	Stipend for at least six interns for FY 2021	\$32,500	2021	Per FTTHC 2021 Draft Budget
Friends Unrestricted Fundraising ( <i>Gen Operating</i> )	Friends - Unrestricted	Unrestricted \$\$ from the Spirit of Texas program.	\$32,500	2021	Per FTTHC 2021 Draft Budget
FTTHC Fundraiser/Unrestricted fundraising from foundations & Corporations ( <i>Gen Operating</i> )	Friends - Unrestricted	Unrestricted funds	\$18,500	2021	Per FTTHC 2021 Draft Budget
Development Seminars ( <i>Education</i> )	Friends - Unrestricted	One annual seminar at RP, and two field seminars hosted by FTTHC	\$1,500	2021	Per FTTHC 2021 Draft Budget

## TEXAS HISTORICAL COMMISSION

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### Item 15.5

Texas Historical Commission  
October Quarterly Meeting  
October 27-28, 2020

### Consider approval of funding recommendations for the Texas Preservation Trust Fund Grant Program for Fiscal Year 2021

#### Background:

The Texas Historical Commission (THC) awards grants for preservation projects from the Texas Preservation Trust Fund (TPTF). The fund was created by the Texas Legislature in 1989 and is currently managed by the Texas Treasury Safekeeping Trust Company (Trust Company). The Trust Company's mission is to preserve and grow the State's financial resources by competitively managing and investing them in a prudent, ethical, innovate and cost-effect manner while focusing on client needs. The TPTF investment earnings are distributed as matching grants to qualified applicants for the acquisition, survey, restoration, preservation, planning, and heritage education activities leading to the preservation of historic properties and archeological sites/collections. Competitive grants are awarded on a one-to-one match basis and are paid as reimbursement of eligible expenses are incurred.

On February 7, the THC accepted 42 initial applications requesting over \$1.1 million in grant funds. The initial applications, of a two-step process, were reviewed and scored by interdisciplinary staff teams. A diverse group of endangered resources were represented including jails, museums, churches, water standpipe, a kiln site, archeology curatorial projects, and unique educational projects. The THC invited twenty-eight projects to the project proposal stage on April 7. On July 13, the THC received twenty-four project proposals (2 archeology, 4 heritage education, 18 architecture) to consider for grant funding. The project proposals were again reviewed by interdisciplinary staff teams in August and September. The amount of grant funds available is \$248,625.

The TPTF Advisory Board met on September 23 to review the project proposals with THC staff. A quorum of the board was present. The board approved the THC staff funding recommendations.

The TPTF Advisory Board recommended under the Alternate Projects that the LULAC Council #60 Clubhouse in Houston be moved to first alternate project and San Agustin Cathedral be moved to second alternate project. LULAC (League of United Latin American Citizens) was created in response to decades of anti-Mexican violence in the 1920s. Today, LULAC's mission is to advance the economic condition, educational attainment, political influence, housing, health, and civil rights of the Hispanic population. By the mid-1930s, LULAC had a strong presence in Houston. The organization initially met in temporary locations, but in 1955 they purchased Council 60's new clubhouse. From 1955 to 2013, the building served as the council's headquarters. On January 2018, based on LULAC's known national significance, the National Trust for Historic Preservation named LULAC Council 60 Clubhouse as its newest Texas project. Council 60, Inc. recently applied and received the City of Houston's Protected Landmark Designation. The organization plans to apply for state and national designations in the future.

## TEXAS HISTORICAL COMMISSION

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Due to the lack of these designations and that the building possesses more significance in association to historic events rather than architectural design, the project scored lower under the significance scoring criteria. San Agustin Cathedral in Laredo currently has two ongoing TPTF grant projects funded in FY 2018 and FY 2020. Work is not complete on either project. The FY 2021 project proposal under consideration was confusing with overlapping work proposed from the FY 2020 project. Based on staff review comments, the board suggested moving San Agustin Cathedral to alternate project #2 to give the Diocese of Laredo additional time to make progress on their two open projects.

### **Suggested Motion:**

1. Move to approve \$247,187.50 in funding recommendations for the Texas Preservation Trust Fund Grant Program for FY 2021 as per the attached table; and
2. Move to delegate authority to the Executive Director to award any funds returned or not utilized to fund the alternate projects as identified in the attached table in rank order. Funding for alternate projects will be capped at \$30,000.

**FY 2021 Texas Preservation Trust Fund Grant Program**  
**TPTF Advisory Board Funding Recommendations**  
*(A minimum score of 73 points or higher out of 110 total points is required to be considered for funding)*

<b>Total grant funds available: \$248,625.00</b>							
Rank	County	Project Name	Grant Type	Score	Funding Requested	Funding Recommended	Cumulative Total
<b>ARCHEOLOGY</b>							
1	Bastrop & Lee Counties	Yegua Knobbs Kiln Site (41LE353)	Planning	92.5	\$ 5,436.50	\$ 5,436.50	
2	Donley	Harrison Greenbelt Site (41DY17)	Curatorial	92.3	\$ 7,500.00	\$ 7,500.00	
<b>Subtotal</b>					<b>\$ 7,500.00</b>	<b>\$ 12,936.50</b>	<b>\$ 12,936.50</b>
<b>HERITAGE EDUCATION</b>							
1	Regional	Ancient Landscapes of South Texas	Education	96.0	\$ 30,000.00	\$ 30,000.00	
2	Statewide	2021-2022 Texas Preserve America Youth Summit	Heritage Education	95.0	\$ 15,000.00	\$ 15,000.00	
3	Hays/Central	TXBox Education Outreach Material Development	Heritage Education	90.0	\$ 16,951.00	\$ 16,951.00	
<b>Subtotal</b>					<b>\$ 61,951.00</b>	<b>\$ 61,951.00</b>	<b>\$ 74,887.50</b>
<b>ARCHITECTURE</b>							
1	Zapata	Manuel Sanchez House	Planning	92.3	\$ 22,300.00	\$ 22,300.00	
2	Bexar	Mission San Jose	Planning	89.3	\$ 30,000.00	\$ 30,000.00	
3	Guadalupe	Sebastopol House Museum	Planning	86.7	\$ 30,000.00	\$ 30,000.00	
4	Leon	1913 Leon County Jail	Development	77.0	\$ 30,000.00	\$ 30,000.00	
5	Bowie	Draughton-Moore Ace of Clubs House	Development	76.7	\$ 30,000.00	\$ 30,000.00	
6	Williamson	Dr. James Lee Dickey House Museum and Multipurpose Center	Development	75.7	\$ 30,800.00	\$ 30,000.00	
<b>Subtotal</b>					<b>\$ 173,100.00</b>	<b>\$ 172,300.00</b>	<b>\$ 247,187.50</b>
<b>TOTAL FUNDS RECOMMENDED</b>						<b>\$ 247,187.50</b>	
<b>ALTERNATE PROJECTS</b>						<b>Remaining grant funds:</b>	<b>\$ 1,437.50</b>
1	Harris	LULAC Council #60 Clubhouse	Development	74.3	\$ 30,000.00	\$ 30,000.00	
2	Webb	San Agustin Cathedral	Development	75	\$ 30,000.00	\$ 30,000.00	
3	Newton	Addie J. and A.T. Odom Homestead	Development	73.7	\$ 18,203.50	\$ 18,203.50	
4	Austin	Historical Austin County Jail	Development	73.3	\$ 30,000.00	\$ 30,000.00	
<b>Total Alternate Projects</b>					<b>\$ 108,203.50</b>	<b>\$ 108,203.50</b>	
<b>PROJECTS NOT RECOMMENDED FOR FUNDING</b>							
<b>Heritage Education</b>							
1	Statewide	Texas Private Lands Heritage Preservation Partnership	Heritage Education	80	\$ 2,654.88		
<b>Architecture</b>							
2	Anderson	Mt. Vernon AME Church	Planning	71.7	\$ 8,000.00		
3	Guadalupe	Claiborne West Historical Home	Planning	71.3	\$ 15,000.00		
4	Tarrant	Eddleman McFarland House	Development	69.0	\$ 30,000.00		
5	Wichita	Kell House Museum	Development	68.7	\$ 30,000.00		
6	Cameron	Harlingen Hospital/Harlingen Arts and Heritage Museum	Planning	67.7	\$ 30,000.00		
7	Bell	Belton Water Standpipe	Development	65.7	\$ 48,000.00		
8	Gregg	Rucker-Campbell House	Development	54.9	\$ 20,000.00		
9	Bexar	Basilica of National Shrine of the Little Flower	Planning	48.3	\$ 30,000.00		
<b>Total not recommended:</b>					<b>\$ 213,654.88</b>		
<b>Total Funds Requested:</b>					<b>\$ 564,409.38</b>		

**TEXAS HISTORICAL COMMISSION**

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**Item 15.6**

Texas Historical Commission  
October Quarterly Meeting  
October 27-28, 2020

**Consider approval of Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant award to alternate projects****Background:**

Congress appropriated \$50 million from the Historic Preservation Fund to address the impacts of Hurricanes Harvey, Irma, and Maria, which occurred in 2017. In August 2018, the Texas Historical Commission (THC) applied to the National Park Service to receive an apportionment of these funds to assist affected historic properties in Texas. Staff received official notice on March 8, 2019 of the successful grant award in the amount of \$12,318,047. In August of 2019, the NPS awarded THC an additional \$200,000 for a mid-century modern survey and elevation study, bringing the grant funding total to \$12,518,047.

The THC Commission awarded 39 projects in May and July 2019 for a total of \$8,373,401. In addition, eight projects were identified as alternate projects. The Commission reserved \$626,599 in grant funding for distribution to alternate project funding, program-required National Register nominations and possibly supplementing already awarded projects. As of August 2020, one of the approved projects, the First Church of Christ, Scientist, has withdrawn from the program. The project had been allocated \$224,329.

There is adequate reserve to fund two alternate projects. The first project on the alternate list, Fire Station #3, 1919 Houston Avenue, Houston, Harris County has submitted a letter of interest to move forward with grant-funded repair work. The second project on the alternate list, Ritz Theater, 715 N. Chaparral Street, Corpus Christi, Nueces County has been actively working on a preservation plan.

**Suggested Motions:**

- 1). Move to approve up to \$247,383.91 in funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund Grant program to Fire Station #3, 1919 Houston Avenue, Houston, Harris County.
- 2). Move to approve up to \$230,000 in funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund grant program to the Ritz Theater, 715 N. Chaparral Street, Corpus Christi, Nueces County.



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**Station 3, LLC**  
1919 Houston Avenue  
Houston, TX 77007

Lisa Hart  
Texas Historical Commission  
P.O.Box 12276, Austin, TX 78711-2276

**Dear Lisa Hart,**

**26th September 2020**

On behalf of Station 3, LLC we would like to inform you that we would still like to move forward with the Hurricane Harvey Grant proposal. Our scope for the updated proposal will be substantially the same as the original proposal.

We really appreciate your consideration and will work quickly and diligently to get you any documentation that you request.

Thank you very much for your time in this matter.

Best Regards,

**David Denenburg,**

Managing member, Station 3, LLC

**Station 3, LLC**



Dear Lisa Hart,

Thank you so much for reaching out to us regarding the National Park Service grant to address damage to the Ritz Theater, 715 N. Chaparral Street in Corpus Christi, Texas, that was inflicted by Hurricane Harvey. We have been able to make some repairs to the theatre roof since the initial grant application, however, there is still much work left to be done from damage inflicted by Hurricane Harvey.

We wish to accept funding and move the project forward. We would be happy to submit a revised scope of work and budget.

Thank you!

A handwritten signature in black ink that reads 'Monica M. Sawyer'.

Monica McLeod Sawyer  
President, CCPATCH

# MINUTES

# TEXAS HISTORICAL COMMISSION

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## MINUTES EXECUTIVE COMMITTEE Videoconference Meeting December 10, 2020 9 a.m.

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*Note: For the full text of action items, please contact the Texas Historical Commission at P.O. Box 12276, Austin, TX 78711 or call 512-463-6100.*

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### 1. Call to Order

The meeting of the Texas Historical Commission (THC) Executive Committee was called to order by Chairman John Nau at 9 a.m. on December 10, 2020. He announced the meeting had been posted to the Texas Register and was being conducted as a videoconference meeting as authorized under Texas Government Code section 551.127 and pursuant to the Governor's executive order to avoid gatherings of more than ten and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act.

#### A. Committee member introductions

Committee members present included:

Chairman John Nau	member Earl Broussard
Vice-Chairman John Crain	member Daisy White
Secretary Pete Peterson	

#### B. Establish quorum

Chairman Nau reported a quorum was present and declared the meeting open.

#### C. Recognize and/or excuse absences

There were no absences to report.

### 2. Consider approval of State Antiquities Landmark Historic Buildings and Structures permit application #1072 for Historic Long Barrack Masonry Cleaning and Roof Repairs, Alamo, Bexar County

THC Executive Director Mark Wolfe reported the Texas General Land Office (GLO) had requested a permit for preservation of the historic Long Barrack by cleaning biological growth from the masonry and repairing the roof to address areas of moisture infiltration. He called on Architecture Division Director Bess Graham to provide a summary and present the project. Graham explained that the permit was a typical permit request and reported that problem areas had been identified during the Stage I Discovery phase by the architectural firm, Ford, Powell & Carson. In the permit application, the firm asserted that cleaning the masonry would allow the team to fully assess the condition of the walls. Graham described the careful processes defined due to the fragility of the stone and outlined staff recommendations which included methodical treatment of biological growth and staining on the limestone using the gentlest means possible; testing through mock-ups of cleaning products and methodology in advance of work; protection/avoidance of deteriorated (friable) masonry areas that could be damaged by cleaning; and closing gaps in the existing roofing system causing moisture issues, using standard flashing and blister-repair details.

Chairman Nau stated that the executive committee had been assembled to consider this item due to the permit application's 30-day time constraint and that the full commission would ratify the action at its February 3, 2021 quarterly meeting. Questions and discussion followed regarding various aspects of the project including the integrity of the structure; roof covering and warranty; chemicals and methods to be used; and re-pointing of mortar. In conclusion, Director Wolfe noted that the proposed work under consideration would be very minor so that the architects can assess and prepare for a second permit that would be larger and more thorough in scope. Commissioner John Crain moved, Commissioner Pete Peterson seconded, and the committee voted unanimously to authorize the Executive Director to issue Historic Buildings and Structures Antiquities permit #1072 for masonry cleaning and roof repairs of the historic Long Barrack, Alamo, Bexar County.

**3. Consider approval to amend contract 808-19-00360 with Phoenix I Restoration and Construction and increase the contract amount by \$12,839.63 for construction services to complete the project at the French Legation State Historic Site, in accordance with the approved motion at the August 17, 2020 Executive committee meeting**

Deputy Executive Director of Historic Sites Joseph Bell reported that an amendment to the agreement between the THC and Phoenix I Restoration and Construction was needed to complete repairs of hidden conditions and reconciliation of contract allowances at the French Legation State Historic Site. He reminded commissioners that the THC Executive Committee authorized contract amendments up to \$75,000 and approved a motion that required the THC Chairman to approve any amounts exceeding \$50,000. Bell further explained that the THC processed a contract amendment totaling \$47,127.83 on August 31, 2020 and, in complying with the August 17th motion, the THC was requesting additional amendment authority of \$9,967.46 and approval of the final amendment of \$12,839.63. He gave a brief account of the work left to complete on the project. Commissioner Crain moved, Commissioner Daisy White seconded, and the committee voted unanimously to approve the amendment of contract 808-19-00360 with Phoenix I Restoration and Construction and increase the contract amount by \$12,839.63 for construction services to complete the project at the French Legation State Historic Site, in accordance with the approved motion at the August 17, 2020 Executive committee meeting.

Director Wolfe reported that a February 3, 2021 opening for the French Legation was proposed as a possible virtual meeting with the inclusion of legislative members.

**4. Committee Chairman's Report**

Chairman Nau announced that the February quarterly meeting would likely be held virtually rather than in-person due to safety concerns associated with the COVID-19 pandemic and all committee members concurred. Other announcements by the chairman included the re-scheduling of a trip to visit the Whitney Plantation; an update on efforts to acquire the Almonte surrender site adjacent to the San Jacinto Battleground State Historic Site; and the proposed abolishment of the Texas Holocaust and Genocide Commission as proposed by the Sunset Commission. Director Wolfe reported that, in the interim since the submitted report, the Sunset committee reviewing THGC had discussions in favor of not abolishing the agency and a hearing was scheduled for February 2021. Comments were made regarding the operation and relationship between the THC and the THGC with a consensus that there was room for improvement regarding management and oversight.

**Adjourn**

On the motion of the chair and without objection, the committee adjourned at 9:46 a.m.

Item 3

## TEXAS HISTORICAL COMMISSION

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**Item 6.5C**  
Texas Historical Commission  
February Quarterly Meeting  
February 3, 2021

**Consider adoption of new rule to TAC, Title 13, Part 2, Chapter 26, section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks with changes to the text as published in the November 13, 2020 issue of the *Texas Register* (45 TexReg 8090-8091)**

### **Background:**

The current rules administering the Antiquities Code of Texas do not provide a process to request delisting of State Antiquities Landmarks when the integrity or significance of a property has changed. The proposed rule creates a process for removal requests of State Antiquities Landmark designations by referral to the Antiquities Advisory Board and the Commission, with provisions for appropriate public notice and comment.

Four comments from individuals were received following posting of the proposed rule. As a result, a 15-day notice requirement to owners of landmarks was extended to 30 days and newspaper notice for publicly-owned landmarks will be published in or near the county where the landmark is located, rather than the location where the applicant resides.

The new rule is now being presented for final approval and second publication in the Texas Register.

### **Suggested Motion:**

Move to adopt new rule to TAC, Title 13, Part 2, Chapter 26, section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks with changes to the text as published in the November 13, 2020 issue of the *Texas Register*.

**Texas Administrative Code**

**Title 13 Cultural Resources**

**Part 2 Texas Historical Commission**

**Chapter 26 Practice and Procedure**

**Subchapter F Removal of Designations**

**Rule §26.28 Removal of Designations for Privately or Publicly Owned Landmarks**

ADOPTION PREAMBLE

The Texas Historical Commission (Commission) adopts new rule as Section 26.28 related to removal of designations for privately or publicly owned landmarks within Title 13, Part 2, Chapter 26 of the Texas Administrative Code. The rule is adopted with changes to the proposed text published in the November 13, 2020 issue of the *Texas Register* (45 TexReg 8090-8091)

Rule 26.28 creates a process for removal requests of State Antiquities Landmark designations by referral to the Antiquities Advisory Board and the Commission, with provisions for appropriate public notice and comment.

PUBLIC COMMENT AND RESPONSE

Four comments from Alan Holman, Tami Hurley, Robert Jones, and Anna Sheppard were received regarding adoption of Rule 26.28(c) and (f) which requires staff requesting removal of a State Antiquities Landmark designation to give the property owner written notice a minimum of 15 calendar days prior to a regularly-scheduled public meeting of the commission. The comments stressed that 15 days do not provide the property owner with sufficient time to hire a historian or legal counsel to defend the appropriateness of the designation. In response to this concern, the notice has been extended to 30 days.

Another comment specified changing the text at Rule 26.28(a)(1) concerning properties owned by a public entity to publish notice in a newspaper published where the designated site is located, or if none exists, to publish notice in an adjoining or neighboring county of the applicant's residence. The comment recommended changing the notice to an adjoining or neighboring county to that in which the landmark is located. The Commission agrees that allowance for publication in an adjoining county broadens the set of people who will receive notice of an application, so this revision has been incorporated into the text.

Other comments requested a public hearing be held in the county in which the landmark is located, approved with 2/3 majority of the vote by the Antiquities Advisory Board (Rule 26.28(d)), and to strike

the provision allowing the Commission to waive the 30-day comment period between nomination of the designation removal and the Commission's action (Rule 26.28(f)). Each of these recommendations were considered, but the Commission declines to revise the new rules to accommodate these requests as too burdensome to allow for the efficient and equitable application of Rule 26.28, as compared to similar rules administered by the Commission.

This new rule is adopted under the authority of Texas Government Code § 442.005(q), which provides the Commission with the authority to promulgate rules to reasonably affect the purposes of that chapter. This rule is also authorized under Texas Natural Resources Code § 191.097, which authorizes the Commission to remove state antiquities landmark designations. The Commission interprets this authority as an allowance for the Commission to make rules designating a process for removal of landmark designations.

The Commission hereby certifies that the section as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

TITLE 13	CULTURAL RESOURCES
PART 2	TEXAS HISTORICAL COMMISSION
CHAPTER 26	PRACTICE AND PROCEDURE
SUBCHAPTER F	Removal of Designations
SECTION 26.28	Removal of Designations for Privately or Publicly Owned Landmarks

(a) The public or private owner of property on which a landmark is designated pursuant to this Chapter may apply to the commission for removal of the landmark designation. The application must be submitted to the commission on a form approved by the commission, and the commission will determine whether the application is complete. The application shall indicate the basis for the property's original designation as an archeological site, shipwreck, cache or collection, historic building or structure, or any combination thereof, per the criteria for evaluation specified in §§26.10 - 26.12 and §26.19 of this title.

(1) If the owner of the property is a public entity, or if the property was, at the time of its designation, owned by a public entity, the applicant owner must also give notice of the application at their own expense in a newspaper of general circulation published in the city, town, or county in which the building, structure or site is located. If no newspaper of general circulation is published in the city, town, or county, the notice must be published in a newspaper of general circulation in an adjoining or neighboring county ~~that is circulated in the county of the applicant's residence~~ to that in which the landmark is located. The notice must:

(A) be printed in 12-point boldface type;

(B) include the exact location of the building or site; and

(C) include the name of the applicant/owner of the building or site.

(2) An original copy of the notice and an affidavit of publication signed by the newspaper's publisher must be submitted to the commission with the application form. This notification must be received by the commission a minimum of 60 days prior to a regularly scheduled public meeting of the commission at which the application may be considered. All decisions regarding when an application will be considered by the commission will be made by the executive director of the commission.

(3) Applications must be accompanied by a deed or other legal description of the property at issue.

(b) Evaluation. The executive director of the commission will determine whether the application is complete and acceptable, whether the property is eligible for landmark designation removal, and when the application will be placed on the agenda of one of the commission's public meetings. In support of such determinations, the commission's staff will review the property according to the criteria for evaluation specified in §§26.10 - 26.12 and §26.19 of this title.

(c) Notification of nomination. If the commission's staff wishes to apply to remove a property's landmark status, it must give the owner a written notification that an application will be considered by the commission at one of its regularly scheduled public meetings. This notification must be received by the owner a minimum of 4530 days prior to the regularly scheduled public meeting of the commission at which the application is scheduled to be presented. The commission must also send the owner site information on the proposed application.

(d) Presentation of applications. For landmarks eligible for designation removal, commission staff will evaluate the application and make a recommendation on whether removal is appropriate. Applications and staff recommendations will be presented to the Antiquities Advisory Board. Written notice of the time and location for presentation to the Board will be sent to the owner. The Antiquities Advisory Board will review each application, the staff recommendations related to each application, and any testimony given by the owner of the property and the public at large. The Antiquities Advisory Board will then determine by majority vote whether or not the landmark has any further historical, archeological, educational or scientific value, and whether or not it is of sufficient value to warrant its further classification as a landmark. The Board will then pass on its recommendations regarding each application to the commission. The chair of the Antiquities Advisory Board, or one of the other commission members who serve on the Antiquities Advisory Board, will present the application and recommendations to the commission at one of its public meetings.

(e) Comment period. No vote on removal of designation may be taken by the commission for a minimum period of 30 days after the Antiquities Advisory Board presents its recommendation to the commission, during which time all concerned parties may present information to the commission in support of or against the application. Comments may be submitted to the commission at any time prior to the vote described in subsection (f) of this section, including during public testimony at the commission meeting where the vote will occur. Comments should address the property's merits in light

of the criteria specified in §§26.10 - 26.12 and §26.19 of this title. This 30 day comment period may be waived by the commission on application by the owner if the commission finds that good cause exists.

(f) Presentation of application and vote. Unless waived by the commission pursuant to subsection (e) above, after the minimum comment period of 30 days has elapsed, the commission may consider the application for removal of designation at one of its public meetings. The owners of the property will be informed of the agenda by written notice at least ~~15~~30 calendar days in advance of the meeting date. Any person may present information on the application or testify at the meeting when the final decision is to be made. The commission will then determine by majority vote whether or not the landmark has any further historical, archeological, educational or scientific value, and whether or not it is of sufficient value to warrant its further classification as a landmark. The commission may vote to approve or to deny the request for removal of designation, to request further information, or to make any other decision.

(g) Notification of removal of designation. Written notification of the commission's decision regarding the removal of designation of a property as a landmark will be forwarded to the owner.

(h) Marker. If the commission approves an application to remove landmark designation, the owner must, within 30 days and at their own expense, remove any plaques or markers identifying the property as a State Antiquities Landmark, and deliver the same to the Texas Historical Commission at the address designated in the written notification provided by the commission.

(i) Recording. If the commission approves an application to remove landmark designation, it shall execute and record in the deed records of the county in which the site is located an instrument setting out the determination.

(j) Privileged or restricted information. The location of archeological sites is not public information. However, information on sites may be disclosed to qualified professionals as provided by Chapter 24 of this title (relating to Restricted Cultural Resource Information). In order to comply with Chapter 24, applications for removal of landmark status from designated archeological sites may vary from other applications submitted under this section

Item 4

## TEXAS HISTORICAL COMMISSION

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**Item 15.2**  
Texas Historical Commission  
Quarterly Meeting  
February 2-3, 2021

### Consider approval dates/locations for 2021 and 2022 quarterly meetings

#### **Background**

Attached is a list of locations the THC quarterly meetings have been held in the past and below are the proposed 2021-2022 dates and locations for consideration.

#### **Proposed dates and locations:**

##### **2021**

February 2–3, Austin

April 26–27, Austin

July 29–30, Tyler

October 28–29, Wichita Falls

##### **2022**

February 1-2, Austin

April 28–29, Plano (cancelled in 2020 due to COVID-19)

July 28–29, Big Spring (cancelled in 2020 due to COVID-19)

October 27–28, College Station (cancelled in 2020 due to COVID-19)

#### **Motion**

As recommended by the Executive committee, move to approve the dates and locations for the 2021 and 2022 quarterly meetings as noted on the above list.

TEXAS HISTORICAL COMMISSION

**Locations of Commission Meetings  
1953 - 2020**

<b>Year</b>	<b>Locations</b>
2020	Austin (1), Zoom (3) due to COVID-19
2019	Austin (2), Paris, Brownsville
2018	Austin, Sealy, Amarillo, Laredo
2017	Austin (3), Lubbock
2016	Austin, San Antonio, Nacogdoches, Katy
2015	Austin (3), Buffalo Gap,
2014	Austin (3), Fort Worth
2013	Austin (3), Goliad
2012	Austin (3), Dallas
2011	Austin (3) Midland
2010	Austin (2), Houston, Kingsville
2009	Austin (2), Fort Worth, El Paso
2008	Austin (2), Corpus Christi, San Angelo
2007	Austin (2), Marfa, San Antonio
2006	Austin (2), Fredericksburg, Galveston
2005	Austin (2), Castroville, Jefferson
2004	Austin (2), Fort Worth, Victoria
2003	Austin, Amarillo, Dallas, San Antonio
2002	Austin (2), Abilene, Houston,
2001	Austin (2), Albany, Beaumont,
2000	Austin, Dallas, San Antonio, Brenham
1999	Austin (3), Marathon
1998	Austin (2), El Paso, Galveston
1997	Austin (3), Kilgore
1996	Austin (2), Amarillo, Brownsville
1995	Austin (3), Fort Worth
1994	Austin (3), San Angelo
1993	Austin (3), Nacogdoches
1992	Austin, Houston, San Antonio, Columbus
1991	Austin (2), Beaumont, San Antonio
1990	Austin (2), Abilene, Round Top
1989	Austin (2), Dallas, Jefferson
1988	Austin (2), Brownsville, Angleton

**TEXAS HISTORICAL COMMISSION**

1987	Austin (2), El Paso, Laredo
1986	Austin (4)
1985	Austin, Fort Worth, Fort Davis, San Angelo
1984	Austin, Lubbock, Bonham, Castroville
1983	Austin (2), Kilgore, Galveston
1982	Austin (2), Harlingen, Brenham
1981	Austin, Laredo, Amarillo, El Paso
1980	McAllen, Corpus Christi, Fort Davis, Jefferson
1979	Brownsville, Kerrville, Dallas, Uvalde
1978	Austin, Corpus Christi, San Antonio, Columbus
1977	Austin (2), Galveston, Granbury
1976	Austin, Beaumont, Fort Worth, Galveston
1975	Austin (2), Dallas, Nacogdoches
1974	San Antonio, McAllen, Amarillo, New Braunfels
1973	Austin, Fort Davis, Galveston, Fort Worth
1972	Austin (3), Lubbock
1971	Austin (2), Abilene, Del Rio
1970	Corpus Christi, Jefferson, Fort Worth, Fredericksburg
1969	Austin, El Paso, Waco
1968	Austin (2), La Grange, San Antonio
1967	Austin, San Antonio, Galveston
1966	Austin, Fort Worth (2)
1965	Austin (4), Beaumont, Odessa
1964	Austin (2), Brownsville, Center
1963	Austin (3), Galveston
1962	Austin (5), Nacogdoches, Odessa, San Antonio (2), Amarillo, El Campo
1961	Austin (4)
1960	Austin (4)
1959	Austin (4)
1958	Austin (4)

## Item 5

## TEXAS HISTORICAL COMMISSION

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### Item 15.3

Texas Historical Commission  
February Quarterly Meeting  
February 3, 2021

### **Consider approval of Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant award in the amount of \$215,000 to alternate grant project Anaqua Home, 904 Commerce Street, Refugio, Refugio County**

#### **Background:**

Congress appropriated \$50 million from the Historic Preservation Fund to address the impacts of Hurricanes Harvey, Irma, and Maria, which occurred in 2017. In August 2018, the Texas Historical Commission (THC) applied to the National Park Service to receive an apportionment of these funds to assist affected historic properties in Texas. Staff received official notice on March 8, 2019 of the successful grant award in the amount of \$12,318,047. In August of 2019, the NPS awarded THC an additional \$200,000 for a mid-century modern survey and elevation study, bringing the grant funding total to \$12,518,047.

The THC Commission awarded 39 projects in May and July 2019 for a total of \$8,373,401. In addition, eight projects were identified as alternate projects. The Commission reserved \$626,599 in grant funding for distribution to alternate project funding, program-required National Register nominations and possibly supplementing already awarded projects. As of November 2020, two of the approved projects, the First Church of Christ, Scientist, and the Jeddo School, have withdrawn from the program.

Two alternate projects were funded by the Commission at the October 2020 meeting. There is currently \$253,544 available to fund another alternate project. The Anaqua Home in Refugio is next on the alternate list. The National Park Service has determined the building eligible for listing on the National Register and the owner has submitted a letter indicating interest in participating in the program.

#### **Suggested Motion:**

Move to approve up to \$215,000 in funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund grant program to the Anaqua Home, 904 Commerce Street, Refugio, Refugio County.

## HIM ESHPF Alternate Projects:

City	County	Project Name	Project Description	Score
Houston	Harris	Fire Station #3 FUNDED	Replace roof, 2 <sup>nd</sup> floor restoration	64.0
Corpus Christi	Nueces	Ritz Theater FUNDED	Repair roof, condition assessment, restoration plan	64.0
Refugio	Refugio	Anaqua Home	Porch repair to storm standards	63.8
Galveston	Galveston	Scottish Rite Temple	Repair roof, walls, windows	62.8
Houston	Harris	Sociedad Mutualista Obrera Mexicana (SMOM)	Repair roof, structural damage	62.5
Beaumont	Jefferson	Caroline Gilbert Hinchee House	Temporary roof, weatherization, stabilization drainage	62.3
Brookshire	Waller	Waller County Museum (Donigan House)	Flood assessment and mitigation, structural work	62.0
Multiple	Multiple	Freedom Colonies strategic & tech plan	Plan and test methodology for integrated engagement and survey	59.5

January 8, 2021

Texas Historical Commission  
Austin, Texas

Chairman John Nau and Commissioners,

I have received information from Lisa Hart that there may be funding available for my historic home (Anaqua Home, 904 Commerce Street, Refugio) that was damaged during Hurricane Harvey.

Yes, we are very interested in working with you and receiving the funding for our home.

Let us know what we can do to make this a reality. We have lost several historic properties in Refugio due to damage from Harvey.

Thanks for your consideration.

Sincerely,  
Bart Wales

## Item 6

## TEXAS HISTORICAL COMMISSION

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### Item 15.4

Texas Historical Commission  
February Quarterly Meeting  
February 3, 2021

### **Consider approval of reappointments and/or new appointments to the Texas Preservation Trust Fund Advisory Board**

#### **Background:**

The TPTF Advisory Board is an eleven-member board comprised of dedicated Texans with special expertise and interest in historic preservation. In accordance with the Texas Preservation Trust Fund rules and regulations, members of the TPTF Advisory Board shall serve a two-year term expiring on February 1 of each odd-numbered year. Advisory board members may be reappointed. Seven members under consideration for reappointment have agreed to serve another two-year term. Four longstanding members recently resigned from the board to provide an opportunity for new members. The Executive Committee and full Commission will consider reappointments and new appointments to the board. Individuals being considered for the new appointments are:

1. Susan Frocheur is an architect and principal of Architexas in Austin. Susan joined the firm in 2004 and has managed many of the firm's most important historic preservation projects. Notable and award-winning projects include the exterior restoration of UT Arno Nowotny House, the restoration and addition to the UT Geography Building, and the restoration of the Harris and Potter County Courthouses.
2. Margarita Araiza is the Executive Director of the Webb County Heritage Foundation, a historic preservation organization in Laredo. She has served in this capacity for twenty-four years. Margarita has served on many boards through the years including the Webb County Historical Commission, the Texas Tropical Trail region, Preservation Texas, and the Laredo Historic District Landmark Board. Since 2008, she has served on the Board of Advisors of the National Trust for Historic Preservation – one of four representatives from Texas. In 2016, she was named “Person of the Year” by the *Laredo Morning Times*.
3. Emily Koller is a community planner with a passion for helping people understand the value in historic buildings and neighborhoods. She currently works as the Economic Development and Neighborhood Revitalization Manager for the City of Amarillo. She is charged with reenergizing the City's neighborhood planning initiative and working on a variety of economic development and long-range planning projects that encourage reinvestment and increased quality of life. Prior to working for the City of Amarillo, Emily spent five years at the Texas Historical Commission as a Planner III in the Community Heritage Development Division primarily working with Texas Main Street communities. She also served as the agency's strategic planner.
4. Heather McKissick is Executive Vice President of Community Impact, Marketing and Communication for University Federal Credit Union (UFCU), which itself is one of the most committed community organizations in Austin and Central Texas. She leads credit union strategic relationship development, community engagement, social purpose, advocacy, and marketing. She also focuses on strengthening the UFCU brand and establishing collaborative opportunities for positive community impact.

## TEXAS HISTORICAL COMMISSION

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### **Suggested Motion:**

- 1) Move to approve reappointments of the following Texas Preservation Trust Fund Advisory Board members:
  1. Doug Boyd, Archeologist (Place 1)
  2. Michael Strutt, Ph.D., Archeologist (Place 2)
  3. Barry Moore, Architect (Place 2)
  4. Jerre Tracy, Nonprofit Preservation Organization Director (Place 2)
  5. Jill Souter, Preservationist (Place 1)
  6. John Donisi, Attorney
  7. Douglas Newby, Real Estate Professional
  
- 2) Move to approve appointments of the following individuals to the Texas Preservation Trust Fund Advisory Board:
  1. Susan Frocheur, Architect (Place 1)
  2. Margarita Araiza, Nonprofit Preservation Organization Director (Place 1)
  3. Emily Koller, Preservationist (Place 2)
  4. Heather McKissick, Bank or Savings and Loan Association Representative

Item 7

## TEXAS HISTORICAL COMMISSION

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### Item 15.5

Texas Historical Commission  
Quarterly Meeting  
February 2-3, 2021

### Consider approval of revisions to Texas Historical Commission Preservation Awards

#### **Background:**

Revisions to two Texas Historical Commission Preservation Awards—the John L. Nau, III Award of Excellence in Museums and Texas Historical Commission Award of Excellence in Historic Architecture— modify the purpose and requirements of the awards. The museum award revisions incorporate good practices promoted by the THC Museum Services program and encourage more fully developed nominations. Changes to the historic architecture award broadens the nominee pool, recognizing excellent work in preservation outside the previous confines of the award.

#### **Suggested motion:**

Move to adopt revisions to the Texas Historical Commission Preservation Awards.

## TEXAS HISTORICAL COMMISSION

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### John L. Nau, III Award of Excellence in Museums

**PURPOSE:** Named in honor of Texas Historical Commission Chair John L. Nau, III, this award recognizes an individual or institution in the museum field for significant achievement in the areas of historical interpretation, museum education, conservation of collections, and/or community involvement. One award winner will be selected, although the commission may choose not to present an award in any given year. The award includes a monetary stipend for the honoree's museum.

The museum must be an organized and permanent institution in the state of Texas, with a primary mission to serve as a history museum and open to the public on a regular schedule. For purposes of this award, a history museum is defined as a museum with a primary mission focusing on the preservation and interpretation of cultural history.

#### APPLICATION REQUIREMENTS:

1. Each nomination must include:
  - a. A completed cover form.
  - b. A concise description (not to exceed two double-spaced pages) of the person or achievement(s) being nominated.
  - c. A single-paragraph synopsis identifying the individual or institution being nominated and summarizing the specific of the achievement(s) for which the individual or institution is being nominated
2. Each nomination may also include supporting documentation that directly support and illustrate the nomination description, including items like brochures, photographs, programs, webpage copy, social media posts and visitor feedback. Please submit copies as these materials will remain with the application. Letters in support of the nomination will not be considered.
3. The nominee's efforts/contributions must be consistent with THC programs, policies, and preservation recommendations. THC encourages museums to have or be working toward the adoption of the five core documents that are fundamental for museum operations: Mission Statement, Institutional Code of Ethics, Strategic Institutional Plan, Collections Policy and Disaster Preparedness / Emergency Response Plan. For questions or guidance about policies and recommendations related to museums, contact THC Museum Services Program.
4. Award decisions will be made by the Executive Committee of the Texas Historical Commission based on recommendations from History Programs Division staff.

## TEXAS HISTORICAL COMMISSION

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### Texas Historical Commission Award of Excellence in Historic Architecture

**PURPOSE:** ~~This award recognizes an architect or architectural firm for exemplary work that has made a significant contribution to the preservation of Texas' architectural heritage. One award will be presented at the Real Places Conference, although the Commission may choose not to present an award in any given year.~~

This award recognizes an architect, architectural firm, individual, organization, community, or project that has made a significant contribution to the preservation of Texas' architectural heritage. One award will be presented at the Real Places Conference although the Commission may choose not to present an award in any given year.

### REQUIREMENTS:

1. Each nomination must include:
  - a. A completed cover form
  - b. A description of the achievement(s), including: project name; project address; historical designation(s), if any; date of completion
  - c. A single-paragraph synopsis of the achievement(s)
  - d. Up to 20 digital images necessary to adequately document the project or body of work **if the nominee is being recognized for sustained work over a period of time**
  - e. A resumé or vita if the nominee is an individual
  - f. A list of project team members to be recognized for a project, if applicable
2. Each nomination may also include supporting documentation to illustrate the nomination narrative. Letters in support of the nomination will not be considered.
3. ~~Only project work completed within the previous two calendar years is eligible for entry.~~ Individually nominated projects must have been completed within the previous two calendar years. Nominations for collective bodies of work should include, but are not limited to, recent work.
4. The nominee's efforts/contributions must be consistent with THC programs, policies, and preservation recommendations. Only projects substantially completed and meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties, 1992, or revised (as interpreted by the Texas Historical Commission) are eligible.
5. Award decisions will be made by the Awards Committee of the Texas Historical Commission, based on recommendations of a committee of Architecture Division staff, with ratification and final approval by the full Commission.

Item 8

## TEXAS HISTORICAL COMMISSION

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### Item 15.6

Texas Historical Commission  
February Quarterly Meeting  
February 3, 2021

### Consider approval of filing authorization of proposed amendments to section 26.3 and 26.22 of the Texas Administrative Code, Title 13, Part 2, Chapter 26 related to Practice and Procedure for first publication and public comment in the *Texas Register*

#### Background:

The proposed amendments distinguish between markers and monuments by fully defining their physical characteristics. By doing so, the application of Chapter 21 in the case of markers and Chapter 26 for monuments becomes clear, particularly regarding the issuance of Historic Buildings and Structures Antiquities Permits.

The proposed definition **26.3(40.5)** distinguishes between “Landmarks” and “Markers.” Since markers are not considered to be structures, work on markers will not be issued Antiquities Permits under this definition. The proposed revision to **26.3(42)** fully elaborates upon the physical characteristics of “Monuments” while retaining the existing rule’s focus on structures commemorating an event, person, or place. The revision clarifies that monuments may include landscape elements, as well as built or installed features. The previous reference to the Capitol grounds has been omitted to reflect the commission’s absence of authority over this location under these rules.

To clarify the application of Historic Buildings and Structures Antiquities Permits, the proposed provisions clarify that monuments may be permitted under the Antiquities Code (§**26.22(10)**) while markers must comply with Chapter 21 as they are not considered to be structures (§**26.22(11)**).

The first publication will take place after approval by the Commission. There is a 30-day comment period following the publication, therefore changes approved by the Commission for this meeting will come back for final approval and second publication at the April 2021 meeting.

#### Suggested Motion:

Move to authorize filing of the proposed amendments to section 26.3 and 26.22 of the Texas Administrative Code, Title 13, Part 2, Chapter 26 related to Practice and Procedure for first publication and public comment in the *Texas Register*

**Texas Administrative Code**

**Title 13 Cultural Resources**

**Part 2 Texas Historical Commission**

**Chapter 26 Practice and Procedure**

**Rule §26.3 Definitions**

**Rule §26.22 Historic Buildings and Structures Permit Categories,**

**PREAMBLE**

The Texas Historical Commission (Commission) proposes amendments to Section 26.3 and 26.22, relating to Practice and Procedure, Title 13, Part 2, Chapter 26 of the Texas Administrative Code by authority of Government Code, Title 4, Subtitle D, Chapter 442, Section 442.005, which requires that the Texas Historical Commission is responsible for the administration of the Antiquities Code of Texas.

**Rule §26.3 - Definitions**

Section 26.3 clarifies the interpretation of terms and phrases used in the Antiquities Code of Texas but not defined therein.

The proposed definition **26.3(40.5)** distinguishes between “Landmarks,” defined under this Chapter as State Antiquities Landmarks, and aluminum “Markers” erected in cooperation with the Texas Historical Commission under Chapter 21, Subchapter B. Since markers are not considered to be structures, work on markers will not be issued Historic Buildings and Structures Antiquities Permits under this definition.

The proposed revision to **26.3(42)** fully elaborates upon the physical characteristics of “Monuments” while retaining the existing rule’s focus on structures commemorating an event, person, or place. The revision clarifies that monuments may include landscape elements, as well as built or installed features. The previous reference to the Capitol grounds has been omitted to reflect the commission’s absence of authority over this location under these rules.

**Rule §26.22 – Historic Building and Structures Permit Categories**

Section 26.22 provides Antiquities permit categories under which all work done on historic buildings or structures and their sites will be reviewed under Chapter 26.

To clarify the application of Historic Buildings and Structures Antiquities Permits, the proposed provisions clarify that monuments may be permitted under the Antiquities Code (**§26.22(10)**) while markers must comply with Chapter 21 as they are not considered to be structures (**§26.22(11)**).

FISCAL NOTE. Mark Wolfe, Executive Director, has determined that for each of the first five-years the proposed amendments are in effect, there will not be a fiscal impact on state or local government as a result of enforcing or administering these amendments, as proposed. The proposed amendments distinguish between monuments and markers, including the regulatory processes that apply to each. These definitions and regulatory processes will not impose a fiscal impact on state or local governments because they do not implicate the use of public funds.

PUBLIC BENEFIT/COST NOTE. Mr. Wolfe has also determined that for the first five-year period the amended rules are in effect, the public benefit will be a clear distinction between the regulatory processes that apply to markers and monuments.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT. There are no anticipated economic costs to persons who are required to comply with the amendments to these rules, as proposed. There is no effect on local economy for the first five years that the proposed new section is in effect; therefore, no local employment impact statement is required under Texas Government Code, § 2001.022 and 2001.024(a)(6).

COSTS TO REGULATED PERSONS. The proposed new section does not impose a cost on regulated persons, including another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, § 2001.0045.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. Mr. Wolfe has also determined that there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing these amendments and therefore no regulatory flexibility analysis, as specified in Texas Government Code § 2006.002, is required. Because the proposed amendments only differentiate the regulatory treatment of markers and monuments, the amendments will not result in an economic impact to rural communities, small businesses, or micro-businesses.

GOVERNMENT GROWTH IMPACT STATEMENT. During the first five years that the amendments would be in effect, the proposed amendments: will not create or eliminate a government program; will not result in the addition or reduction of employees; will not require an increase or decrease in future legislative appropriations; will not lead to an increase or decrease in fees paid to a state agency; will not create a new regulation; will not repeal an existing regulation; and will not result in an increase or decrease in the number of individuals subject to the rule. During the first five years that the amendments would be in effect, the proposed amendments will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. THC has determined that no private real property interests are affected by this proposal and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code, § 2007.043.

REQUEST FOR PUBLIC COMMENT. Comments on the proposed amendments may be submitted to Mark Wolfe, Executive Director, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY AND STATEMENT ON AUTHORITY. These amendments are proposed under the authority of Texas Government Code § 442.005(q), which provides the Commission with the authority to promulgate rules to reasonably affect the purposes of the Commission; Texas Government Code § 442.0045(12), which authorizes the Commission to approve the designation and removal of Official Texas Historical Markers; and Texas Government Code § 442.006, which establishes the State Historical Marker program to be administered by the Commission.

The Commission hereby certifies that the section as proposed has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

<b>TITLE 13</b>	<b>CULTURAL RESOURCES</b>
<b>PART 2</b>	<b>TEXAS HISTORICAL COMMISSION</b>
<b>CHAPTER 26</b>	<b>PRACTICE AND PROCEDURE</b>
<b>RULE §26.3</b>	<b>Definitions</b>

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The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. These definitions also clarify the interpretation of terms and phrases used in the Antiquities Code of Texas but not defined therein.

- (1) Accession--The formal acceptance of a collection and its recording into the holdings of a curatorial facility and generally includes a transfer of title. For held-in-trust collections, stewardship but not title is transferred to the curatorial facility.
- (2) Antiquities Advisory Board--A ten-member board that advises the commission in reviewing matters related to the Antiquities Code of Texas.
- (3) Antiquities Permit or Permit--Authorization for work on a designated or potential State Antiquities Landmark, or survey investigations to determine if cultural resources are present. Permit types include Archeological Permits (§26.15 of this title) and Historic Buildings and Structures Permits (§26.22 of this title).
- (4) Applicant--Relative to an Antiquities Permit, an applicant is the controlling agency, organization, or political subdivision having administrative control over a publicly owned landmark or the owner of a privately owned landmark. Applicant may also refer to an individual or private group that desires to nominate a building or site for landmark designation.

(5) Archeological site--Any land or marine-based place containing evidence of prehistoric or historic human activity, including but not limited to the following:

(A) Habitation sites. Habitation sites are areas or structures where people live or have lived on a permanent or temporary basis.

(B) Native American open campsites which were occupied on a temporary, seasonal, or intermittent basis.

(C) Rock shelters, in general, are a special kind of campsite. These sites are located in caves or under rock overhangs and have been occupied either: temporarily, seasonally, or intermittently.

(D) Non-Native American campsites are the cultural remains of activities by people who are not Native American.

(E) Residence sites are those where routine daily activities were carried out and which were intended for year-round use.

(F) Non-Native American sites may include, in addition to the main structure, outbuildings, water systems, trash dumps, garden areas, driveways, and other remains that were an integral part of the site when it was inhabited.

(G) Non-habitation sites. Non-habitation sites result from use during specialized activities and may include standing structures.

(i) Rock art and graffiti sites consist of symbols or representations that have been painted, ground, carved, sculpted, scratched, or pecked on or into the surface of rocks, wood, or metal, including but not limited to Native American pictographs and petroglyphs, historical graffiti and inscriptions.

(ii) Mines, quarry areas, and lithic procurement sites are those from which raw materials such as flint, clay, coal, minerals, or other materials were collected or mined for future use.

(iii) Game procurement and processing sites are areas where game was killed or butchered for food or hides.

(iv) Fortifications, battlefields, training grounds and skirmish sites including fortifications of the historic period and the central areas of encounters between opposing forces, whether a major battleground or areas of small skirmishes.

(v) Cache--A collection of artifacts that are deliberately hidden for future use. Caches are often discovered in burials or in caves and usually consist of ceremonial and ritual objects, functional objects or emergency food supplies.

(6) Archeological Survey Standards for Texas--Minimum survey standards developed by the commission in consultation with the Council of Texas Archeologists.

(7) Artifacts--The tangible objects of the past that relate to human life and culture. Examples include, but are not limited to projectile points, tools, documents, art forms, and technologies.

(8) Board--The Antiquities Advisory Board.

(9) Building--A structure created to shelter any form of human activity, such as a courthouse, city hall, church, hotel, house, barn, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

(10) Burials and burial pits--Marked and unmarked locales of a human burial or burials. Burials and burial pits may contain the remains of one or more individuals located in a common grave in a locale. The site area may contain gravestones, markers, containers, coverings, garments, vessels, tools, and other grave objects or could be evidenced by the presence of depressions, pit feature stains, or other archeological evidence.

(11) Cemetery--A place that is used or intended to be used for interment, and includes a graveyard, burial park, unknown cemetery, abandoned cemetery, mausoleum, or any other area containing one or more graves or unidentified graves.

(A) Abandoned cemetery--A non-perpetual care cemetery containing one or more graves and possessing cemetery elements for which no cemetery organization exists and which is not otherwise maintained by any caretakers. It may or may not be recorded in the deed records of the county in which it lies.

(B) Unidentified grave--A grave that is not marked in a manner that provides the identity of the interment.

(C) Unknown cemetery--An abandoned cemetery evidenced by the presence of marked or unmarked graves that does not appear on a map or in deed records.

(12) Commission--The Texas Historical Commission and its staff.

(13) Committee, or Antiquities Committee, or Texas Antiquities Committee--As redefined by the 74th Texas Legislature within §191.003 of the Texas Natural Resources Code, committee means the commission and/or staff members of the commission.

(14) Conservation--Scientific laboratory processes for cleaning, stabilizing, restoring, preserving artifacts, and the preservation of buildings, sites, structures and objects.

(15) Council of Texas Archeologists--A non-profit voluntary organization that promotes the goals of professional archeology in the State of Texas.

(16) Council of Texas Archeologists Guidelines--Professional and ethical standards which provide a code of self-regulation for archeological professionals in Texas with regard to field methods, reporting, and curation.

(17) Cultural landscape--A geographic area, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Cultural landscapes include historic sites, historic designed landscapes, and historic vernacular landscapes, as further described in the National Park Service's Preservation Brief 36: Protecting Cultural Landscapes.

(18) Cultural resource--Any building, site, structure, object, artifact, historic shipwreck, landscape, location of historical, archeological, educational, or scientific interest, including, but not limited to, prehistoric and historic Native American or aboriginal campsites, dwellings, and habitation sites, archeological sites of every character, treasure embedded in the earth, sunken or abandoned ships and wrecks of the sea or any part of the contents thereof, maps, records, documents, books, artifacts, and implements of culture in any way related to the inhabitants' prehistory, history, government, or culture. Examples of cultural resources include Native American mounds and campgrounds, aboriginal lithic resource areas, early industrial and engineering sites, rock art, early

cottage and craft industry sites, bison kill sites, cemeteries, battlegrounds, all manner of historic buildings and structures, local historical records, cultural landscapes, etc.

(19) Curatorial facility--A museum or repository.

(20) Default--Failure to fulfill all conditions of a permit or contract, issued or granted to permittee(s), sponsors, and principal investigator or investigative firm, before the permit has expired.

(21) Defaulted permit--A permit that has expired without all permit terms and conditions having been met before the permit expiration date.

(22) Designated historic district--An area of archeological, architectural, or historical significance that is listed in the National Register of Historic Places, either individually or as a historic district; designated as a landmark, or nominated for designation as a landmark; or identified by State agencies or political subdivisions of the State as a historically sensitive site, district, or area. This includes historical designation by local landmark commissions, boards, or other public authorities, or through local preservation ordinances.

(23) Destructive analysis--Destroying all or a portion of an object or sample to gain specialized information. For purposes of this chapter, it does not include analysis of objects or samples prior to their being accessioned by a curatorial facility.

(24) Discovery--The act of locating, recording, and reporting a cultural resource.

(25) Disposal--The discard of an object or sample after being recovered and prior to accession, or after deaccession.

(26) District--A significant concentration, linkage, or continuity of sites, buildings, structures, or objects unified historically or aesthetically by plan or physical development. See also "designated historic district."

(27) Eligible--Archeological sites or other historic properties that meet the criteria set forth in §§26.10 - 26.12 and 26.19 of this title, are eligible for official landmark designation.

(28) Exhumation--The excavation of human burials or cemeteries and its associated funerary objects by a professional archeologist, or principal investigator.

(29) Groundbreaking--Construction or earth moving activities that disturb lands owned or controlled by state agencies or political subdivisions of the state.

(30) Held-in-trust collection--Those state-associated collections under the authority of the commission that are placed in a curatorial facility for care and management; stewardship is transferred to that curatorial facility but not ownership.

(31) Historic buildings and structures permit--Historic buildings and structures permits are those issued for work to buildings, structures, cultural landscapes, and non-archeological sites, objects, and districts designated or nominated for designation as landmarks.

(32) Historic property--A district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture.

(33) Historic time period--For the purposes of landmark designation, this time period is defined as extending from A.D. 1500 to 50 years before the present.

(34) Human remains--The body of a decedent.

(35) Integrity--The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period, including the property's location, design, setting, materials, workmanship, feeling, and association.

(36) Interment--The intended permanent disposition of human remains by entombment, burial, or placement in a niche.

(37) Investigation--Archeological or architectural activity including, but not limited to: reconnaissance or intensive survey, testing, exhumation, or data recovery; underwater archeological survey, test excavation, or data recovery excavations; monitoring; measured drawings; or photographic documentation.

(38) Investigative firm--A company or scientific institution that has full-time experienced research personnel capable of handling investigations and employs a principal investigator, and/or project architect, or other project professional as applicable under "professional personnel" in paragraph (49) of this section. The company or institution holds equal responsibilities with the professional personnel to complete requirements under an Antiquities Permit.

(39) Land-owning or controlling agency--Any state agency or political subdivision of the state that owns or controls the land(s) in question.

(40) Landmark--A State Antiquities Landmark.

(40.5) Marker--An informational aluminum sign erected by or with the permission of the Texas Historical Commission.

(41) Mitigation--The amelioration of the potential total or partial loss of significant cultural resources. For example, mitigation for removal of a deteriorated historic building feature might include photographs and drawings of the feature, and installing a replacement that matches the original in form, material, color, etc. Mitigation for the loss of an archeological site might be accomplished through data recovery actions, to preserve or recover an appropriate amount of data by application of current professional techniques and procedures, as defined in the permit's scope of work.

~~(42) Monuments--Includes markers and structures erected to commemorate or designate the importance of an event, person, or place, which may or may not be located at the sites they commemorate. Included in this category are certain markers erected by the commission and county historical commissions, and markers and statuary located on public grounds such as courthouse squares, parks, and the Capitol grounds.~~

(42) Monument--Includes features planted, built, or installed that commemorate or designate the importance of an event, person, or place, which may or may not be located at the site(s) they commemorate, such as stone or metal monuments and statuary as well as trees, shrubs, designed landscapes, and other plantings located on public grounds such as courthouse squares and parks. Aluminum markers erected by or with the permission of the commission are not included in this definition.

(43) National Register of Historic Places--A register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and

culture maintained by the United States Secretary of the Interior. Information concerning the National Register of Historic Places is available through the commission or from the National Park Service at [www.nps.gov/nr](http://www.nps.gov/nr).

(44) Object--The term "object" can refer to artifacts or is a type of structure that is primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Examples of objects include artifacts, monuments, markers, and sculpture.

(45) Permit application offense--Failure to properly apply for a permit and/or receive authorization for an emergency permit by the commission, prior to the actual performance of an archeological investigation or other project work.

(46) Permit censuring--A restriction in the ability of a principal investigator or other professional personnel and/or an investigative firm or other professional firm to be issued a permit under the auspices of the Antiquities Code of Texas.

(47) Permittee--The landowner or controlling individual or, public agency and/or a project sponsor that is issued an Antiquities Permit for an archeological investigation or other project work.

(48) Political subdivision--A unit of local government created and operating under the laws of this state, including a city, county, school district, or special district created under the Texas Constitution.

(49) Prehistoric time period--For the purpose of landmark designation, a time period that encompasses a great length of time beginning when humans first entered the New World and ending with the arrival of the Spanish Europeans, which has been approximated for purposes of these guidelines at A.D. 1500.

(50) Professional firm--A company or scientific institution that has professional personnel who meet the required qualifications for specific types of work. The company or institution holds equal responsibilities with the professional personnel to complete requirements under an Antiquities Permit.

(51) Professional personnel--Trained specialists who meet the professional qualifications standards in §26.4 of this title (relating to Professional Qualifications and Requirements) and are required to perform archeological and architectural investigations and project work.

(52) Project--Activity on a cultural resource including, but not limited to: investigation, survey, testing, excavation, restoration, demolition, scientific or educational study.

(53) Project sponsor--A public agency, individual, institution, investigative firm or other professional firm, organization, corporation, contractor, and/or company paying costs of archeological investigation or other project work, or that sponsors, funds, or otherwise functions as a party under a permit.

(54) Public agency--Any state agency or political subdivision of the state.

(55) Public lands--Non-federal, public lands that are owned or controlled by the State of Texas or any of its political subdivisions, including the tidelands, submerged land, and the bed of the sea within the jurisdiction of the State of Texas.

(56) Recorded archeological site--Sites that are recorded, listed, or registered with an institution, agency, or university, such as the Texas Archeological Research Laboratory of the University of Texas at Austin.

(57) Register of professional archeologists--A voluntary national professional organization of archeologists which registers qualified archeologists.

(58) Research design--A written theoretical approach and a plan for implementing fieldwork that also explains the goals and methods of the investigation. A research design is developed prior to the implementation of the field study and submitted with a completed Archeological Permit Application.

(59) Ruins--A historic or prehistoric site, composed of both archeological and structural remains, in which the building or structure is in a state of collapse or deterioration to the point that the original roof and/or flooring and/or walls are either missing, partially missing, collapsed, partially collapsed, or seriously damaged through natural forces or structural collapse. Ruins are considered archeological sites, and historic buildings or structures recently damaged or destroyed are not classified as ruins.

(60) Scope of work--A summary of the methodological techniques used to perform the archeological investigation or outline of other project work under permit.

(61) Significance--Importance attributed to sites, buildings, structures and objects of historical, architectural, and archeological value which are landmarks and eligible for official designation and protection under the Antiquities Code of Texas. Historical significance is the importance of a property to the history, architecture, archeology, engineering or culture of a community, state or the nation, and is a trait attributable to properties listed or determined eligible for listing in the National Register of Historic Places or for state landmark designation.

(62) Site--Any place or location containing physical evidence of human activity. Examples of sites include: the location of prehistoric or historic occupations or activities, a group or district of buildings or structures that share a common historical context or period of significance, and designed cultural landscapes such as parks and gardens.

(63) Shipwrecks--The wrecks of naval vessels, Spanish treasure ships, coastal trading schooners, sailing ships, steamships, and river steamships, among other remains of any waterborne craft that sank, ran aground, was beached or docked.

(64) State agency--A department, commission, board, office, or other agency that is a part of state government and that is created by the constitution or a statute of this state. The term includes an institution of higher education as defined by the Texas Education Code, §61.003.

(65) State Antiquities Landmark--An archeological site, archeological collection, ruin, building, structure, cultural landscape, site, engineering feature, monument or other object, or district that is officially designated as a landmark or treated as a landmark under the interim protection described in §26.8(d) of this title (relating to Designation Procedures for Publicly Owned Landmarks).

(66) State Archeological Landmark--A State Antiquities Landmark.

(67) State associated collections--The collections owned by the State and under the authority of the commission. This includes the following:

(A) Permitted collections--Collections that are the result of work governed by the Antiquities Code of Texas on land or under waters belonging to the State of Texas or any political subdivision of the State requiring the issuance of a permit by the commission.

(B) Non-permitted collections--Collections that are the result of work governed by the Antiquities Code of Texas on land or under waters belonging to the State of Texas or any political subdivision of the State conducted by commission personnel without the issuance of a permit.

(C) Purchased collections--Collections that are the result of the acquisition of significant historical items by the commission through Texas Historical Artifacts Acquisition Program or use of other State funds.

(D) Donated collections--Collections that are the result of a gift, donation, or bequest to the commission.

(E) Court-action collections--Collections that are awarded to the commission by a court through confiscation of illegally-obtained archeological artifacts or any other material that may be awarded to the commission by a court of law.

(F) Legislative action collections--Collections that are transferred to the commission through legislative action.

(68) Structure--A work made up of interdependent and interrelated parts in a definite pattern of organization. The term "structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter. Constructed by man, it is often an engineering project. Examples of structures include bridges, power plants, water towers, silos, windmills, grain elevators, etc. As used herein, "structure" is also understood to include all non-archeological cultural resources that are not buildings, including cultural landscapes and non-archeological sites, objects, and districts.

(69) Treasures embedded in the earth--In this context, "treasures" refers to artifacts and objects from submerged archeological sites. This can reference artifacts that are either contained within a ship's hull or are isolated yet associated with submerged historic and/or prehistoric archeological sites. The term "treasures" is not meant to imply that objects of monetary value, such as gold and silver, are separately protected under Antiquities Code of Texas. Additionally, "embedded in the earth" refers to artifacts or objects buried or partially covered in underwater sediments.

(70) Unverified cemetery--A location having some evidence of human burial interments, but in which the presence of one or more unmarked graves has not been verified by a person described by §711.0105(a) of the Health and Safety Code of Texas or by the commission.

(71) Verified cemetery--The location of a human burial interment or interments as verified by the commission.

**TITLE 13**                    **CULTURAL RESOURCES**  
**PART 2**                     **TEXAS HISTORICAL COMMISSION**  
**CHAPTER 26**               **PRACTICE AND PROCEDURE**  
**RULE §26.22**              **Historic Buildings and Structures Permit Categories**

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All work done on historic buildings or structures and their sites will be reviewed, and issued permits when appropriate, in accordance with one or more of the following permit categories. Section 191.054 of the Texas Natural Resources Code authorizes the commission to issue permits for survey and discovery, excavation, restoration, demolition, or study. The following permit categories clarify specific scopes of work within these areas. Restoration is herein understood to include preservation, rehabilitation, restoration, and reconstruction as defined in the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards), per §26.20(b) of this title (relating to Application for Historic Buildings and Structures Permits).

(1) Preservation permit. Preservation is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a cultural resource, including preliminary measures to protect and stabilize the building, structure, or site. Preservation consists of maintenance and repair of materials, features, or landforms of cultural resources, rather than extensive replacement and new construction. Preservation also includes the conservation of buildings, sites, structures, and objects.

(2) Rehabilitation permit. Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, or additions, while preserving those portions or features of the property which convey its historical, architectural, or cultural values.

(3) Restoration permit. Restoration is the act or process of accurately depicting the form, features, and character of a property and its setting as it appeared at a particular period of time by means of the removal of features from later periods in its history and reconstruction of missing features from the restoration period.

(4) Reconstruction permit. Reconstruction is the act or process of depicting, by means of new construction, the exact form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction of a non-surviving cultural resource, or any part thereof within the described limits of a designated landmark, will be reviewed and permitted in light of its impact on the historical, architectural, or cultural integrity of that site. Reconstruction permits may be required for any reconstruction within the boundaries of a landmark that is significant as an archeological site, in addition to other applicable permits described in §26.15 of this title (relating to Archeological Permit Categories).

(5) Architectural investigation permit. If the applicant can demonstrate that careful investigation of a building or structure through controlled dismantling or sampling and testing of historic material or later modifications will contribute to the understanding of that building or structure's history, or of the history and culture of Texas in general, a permit for architectural investigation may be issued. This type of permit does not indicate approval for rehabilitation, demolition, or any other type of work, but may require replacement of removed materials or storage of selected samples.

(6) Hazard abatement permit. If hazardous materials exist in a historic building or structure and must be abated or removed in a project unrelated to other preservation, restoration or rehabilitation work, then a permit for hazard abatement may be issued. This type of permit does not indicate approval for rehabilitation, demolition, or any other type of work, but may require replacement of removed materials.

(7) Relocation permit. Under most circumstances, a permit to relocate a building or structure from its original site will not be issued unless the commission has been satisfied that there is a real and unavoidable threat to the building or structure's existence, and that the applicant has made a thorough effort to find the means to preserve the building or structure on its original site. If relocation is unavoidable, the building or structure should be relocated to a site that resembles its original setting as closely as possible. A relocation permit will require thorough documentation of the relationship between the building or structure and its existing site and documentation of the proposed new site and placement of the building or structure to demonstrate that the new site and setting are comparable to the original. An archeological investigation of both the old and new site locations may also be required.

(8) Demolition permit. Under most circumstances, a permit to demolish a building or structure will not be issued unless the commission is satisfied that there is a necessity due to deterioration of the building or structure that constitutes a threat to the health, safety, or welfare of citizens or a real and unavoidable threat to the building or structure's existence. The applicant must show that he or she has made a thorough effort to find the means to preserve the building or structure on its original site or, failing that, to relocate the building or structure to another site with a comparable setting. The applicant must show evidence that he or she has, in good faith, conducted a feasibility study and obtained estimates from appropriate professionals, invited and considered alternative suggestions and proposals, and otherwise explored all reasonable possibilities other than demolition. A demolition permit will require thorough documentation of the building or structure and its relationship to its existing site, as well as archeological investigation, as defined and required by the commission.

(9) New construction permit. Any new construction to be built within the described limits of a landmark must be reviewed and permitted in light of its impact on the historical, architectural, and cultural integrity of that cultural resource and its site. The applicant must submit plans, elevations, and sections that adequately describe the full scope of the project and its relationship to the existing building or structure and its site. New construction permits may be required for construction within the boundaries of a

landmark that is significant as an archeological site, in addition to other applicable permits described in §26.15 of this title (relating to Archeological Permit Categories).

(10) Monuments are considered structures and permits for work on, or for removal or relocation of monuments shall fall under one or more of the permit categories listed above.

(11) Markers are not considered structures and any proposed work on or related to markers must comply with Chapter 21 herein.