

Archeology Committee

May 12, 2020

Teleconference



TEXAS HISTORICAL COMMISSION

AGENDA
ARCHEOLOGY COMMITTEE

Teleconference Meeting
May 12, 2020
9:00 a.m.

Pursuant to the Governor's March 13, 2020 state of disaster declaration due to the Coronavirus (COVID-19) and March 16, suspension of certain provisions of the Texas Open Meetings Act, the May 12, 2020 meeting of the THC Archeology Committee will be held by telephonic conference call, as authorized under Texas Government Code section 551.125. Members of the public will have access by calling toll free 877-692-8954, Code 3148446#. Digital copies of the agenda and meeting materials will be available at www.thc.texas.gov/teleconferences . An audio recording of the meeting will be available after May 13, 2020. To obtain a copy of the recording, please contact Laney Fisher at 512-463-5394.

The members may discuss and/or take action on any of the items listed in the agenda.

1. **Call to Order** –*Chair Bruseth*
 - A. Committee Introductions
 - B. Establish a Quorum
 - C. Recognize and/or excuse absences

2. **Minutes** – *Bruseth*

Consider approval of the January 28, 2020 Archeology Committee meeting minutes

3. **Discussion and possible action regarding proposed notices related to the Alamo** - *Jones*
 - A. Notice of Unverified Cemetery submitted by Texas General Land Office
 - B. Notice of Unverified Cemetery submitted by Lee Spencer White
 - C. Notice of Unverified Cemetery submitted by Raymond Hernandez

4. **Proposed Rule Amendments** – *Jones*

Consider adoption of amendments to:

 - A. Chapter 24, section 24.17, related to criteria for access to restricted cultural resource information with/without changes to the text as published in the February 21, 2020 issue of the *Texas Register* TexReg (1096-1097)
 - B. Chapter 26, sections 26.13, 26.15 and 26.17 related to archeological permits and decision concerning destructive analysis of human remains with/without changes to the text as published in the February 21, 2020 issue of the *Texas Register*, TexReg (1098-1102)
 - C. Chapter 29, section 29.5 related to destructive analysis of human remains from accessioned held-in-trust collections with/without changes to the text as published in the February 21, 2020 issue of the *Texas Register*, TexReg (1102-1105)

5. **Division Director's Report** – *Jones*

Update on Archeology Division programs and staff

 - A. Personnel Updates
 - B. Regional archeology/marine activities

- C. Texas Archeological Stewardship Network Update
- D. CFCP Program Update
- E. Socorro Mission Site Collection Transfer
- F. Upcoming activities/events

6. Adjournment – *Bruseth*

TEXAS HISTORICAL COMMISSION

ARCHEOLOGY COMMITTEE

MEMBERS

Members as of 7/01/2018

James (Jim) Bruseth, Ph.D.
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Austin, TX 78737
512/288-6053
Email: jim.bruseth@gmail.com

Gilbert E. "Pete" Peterson, III
c/o Texas Historical Commission
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Austin, TX 78711
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TBG Partners
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Quarterly Report

Quarterly Report

Archeology Division
January–March 2020

HIGHLIGHTS FROM THE DIRECTOR

Archeology Division (AD) staff have been actively engaged in a variety of public outreach and regulatory activities across the state this quarter. Several AD staff participated in the Real Places Conference. Bradford Jones, Maggie Moore, Emily Dylla, Arlo McKee, and Rebecca Shelton all participated in the Wednesday afternoon Meet-Up session, providing program information to conference attendees, and aided with other conference duties. Shelton also helped organize a symposium on “lost” historic cemeteries with Dr. Ashleigh Lemke (former THC intern) and Andrea Burden, and participated as the AD representative in a session for CHC members. Regional archeologist Tiffany Osburn and THC Steward Steve Stoutamire presented on their recent successful prosecution of looters on a private ranch in Kerr County, and offered advice and strategies for landowners and preservation groups on how to work with the local DA offices in these types of cases.

Additional events of note include:

- January 7–8—Bill Martin, Maggie Moore, and Jenny McWilliams visited the Pendleton Cemetery site with the Sabine River Authority and USACE to discuss ongoing preservation efforts, then inspected the ongoing archeological investigations at the Rusk State Hospital
- January 18–19—Working with San Felipe de Austin State Historic Site staff, Jeff Durst oversaw volunteers labeling ceramic artifacts recovered from AD’s excavations at the site
- January 27—Drew Sitters met with Jefferson Spillman, site manager at Fort Lancaster, to evaluate the feasibility of remote sensing surveys at two historic-age cemeteries at the site
- January 28—Drew Sitters participated in the USDA-NRCS Cultural Resources Training Series Seminar at their field office in Fort Stockton

- February 2—Arlo McKee presented a lecture to the North Texas Archeology Society in Fort Worth
- February 22—Jeff Durst visited a public archeological screening project of fill dirt at Memorial Park in Houston sponsored by the Houston Archeological Society and HRA-Gray and Pape
- February 28–March 1—Arlo McKee and Brent Dell (UT-Dallas) gave a joint presentation on their recent drone mapping to the Rice University Field Methods Course being held at Varner-Hogg State Historic Site
- February 29–March 1—Jeff Durst and local TASN stewards participated in Washington-on-the-Brazos State Historic Site’s Texas Independence Day Celebration, providing program information for attendees
- February 26–27—Bill Martin and Rebecca Shelton conducted site visits at the Lower Bois D’arc Reservoir project
- February 29–30—Drew Sitters (presenter), Bill Martin, Rebecca Shelton, and Maggie Moore attended the Annual Caddo Archeology Conference at UT-Tyler
- March 2—Drew Sitters presented on Murrah Cave in Val Verde County to Carol McCauley’s class at Baylor University
- March 4—Bradford Jones presented on Who Owns Texas’ Past to an undergraduate class at UT-Austin
- March 27—Arlo McKee presented on remote sensing and archeology at UT-Austin for Jonathon Jarvis’ cultural resource management course

Finally, February 14 was Nick Barrett’s last day with the division. He was a key staff member in preparing for AAB and Archeology Committee meetings, as well as overseeing management of the archeological permits. Barrett is leaving Austin for a job with Amazon in Seattle. We wish him the best of luck in his new endeavors. His position is currently being covered by Laney Fisher.

MARINE ARCHEOLOGY PROGRAM (MAP)

The spring is always a productive period for public outreach for the MAP, in large part due to the Society of Historical Archeology's (SHA) Annual Conference in January—this year's event was held in Boston, Mass. State Marine Archeologist Amy Borgens continues to represent the THC as a recurring panelist in the Government Maritime Managers Forum, which meets annually at SHA. Borgens and Division Director/State Archeologist Bradford Jones were invited to present talks on the 1554 Plate Fleet Shipwrecks as part of a two-day session on Spanish colonial-period archeology. Borgens was also lead author on a paper presented by Texas A&M University project partner (and former intern) Sam Cuellar summarizing the THC's September World War I Shipwreck Survey on the Neches River. Other public outreach ventures included guest presentations on Texas shipwreck topics for graduate and undergraduate courses at Texas A&M University (TAMU) and the University of Texas Rio Grande Valley (UT-RGV). Two additional talks were presented at TAMU and UT-RGV related to symposia or guest lecture series. In total, Borgens authored or presented six talks in January and March.

In addition to regulatory compliance reviews and coordination, MAP participated in two off-site visits in March: the Corpus Christi Museum of Science and History (CCM) to complete the 1554 artifact re-inventory, and a trip with regional archeologist Emily Dylla to Padre Island National Seashore (PAIS) to evaluate suspected recurring looting possibly associated with secondary coastal artifact deposits. The MAP is hosting two Texas State University student interns, Clayton Eppler and Hope Bridgeman, who will assist in the re-inventory and other THC projects. The PAIS field study was requested at the invitation of, and in partnership with, the National Park Service.

Other projects include assisting with image and artifact inquiries including a recovered cannon from a historic dredging operation, coastal artifacts from Old Velasco townsite, and facilitating a loan transfer to the Houston Maritime Museum of the TSS *Zavala* model on display at the Texas Seaport Museum since 1993. The model was gifted to the state by renowned author Clive Cussler, founder and chairman of the National Underwater and Marine Agency, and accepted by Gov. Bill Clements on behalf of the THC in June 1989.

REVIEW AND COMPLIANCE ACTIVITIES

Under the auspices of the National Historic Preservation Act and the Antiquities Code of Texas, the State and Federal Review Section staff of the AD reviewed approximately 2,117 proposed development projects during the period of January 1–February 21. Of those, about 38 archeological surveys were required to determine whether any significant cultural resources would be adversely affected, and approximately 2179 acres were surveyed. About 36 historic and prehistoric sites were recorded, and of those, five were determined eligible for listing in the National Register and 28 were determined not eligible, with three of undetermined eligibility.

TEXAS ARCHEOLOGICAL STEWARDSHIP NETWORK (TASN)

The current membership of terrestrial and marine stewards is at 130. At the beginning of January, we reviewed our membership lists, and determined there were 29 stewards up for renewal in 2020. We have invited all of them to renew and have received confirmation from 26 to date.

We have received nine outstanding nominations for 2020. The deadline for nominations was January 1 for the THC staff to review. AD staff met with the Advisory Committee on February 19 to review and finalize all the nominations.

On Saturday, August 1, we will hold the annual TASN Steward's Workshop and Meeting at Washington-on-the-Brazos State Historic Site. We are collaborating with the site supervisor and Friends group to develop an exciting and informative program.

MINUTES

TEXAS HISTORICAL COMMISSION

**AGENDA
ARCHEOLOGY COMMITTEE
MINUTES**

Embassy Suites by Hilton Austin Central
Agave Ballroom A/B
5901 North I.H. 35
Austin, TX 78723
January 28, 2020
1:36 pm

Note: For the full text of action items, please contact the Texas Historical Commission at P.O. Box 12276, Austin, TX 78711 or call 512.463-1858.

1. Call to Order

Commissioner Jim Bruseth called the Archeology Committee meeting to order at 1:36 p.m. on January 28, 2020. Bruseth announced that the meeting was being held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, and notice had been properly posted with the Secretary of State's Office as required. The committee may discuss and/or take action on any of the items listed on the agenda.

1.a Establish Quorum

Bruseth noted the Committee's attendance as listed below.

Members Present

Gilbert E. "Pete" Peterson, III
Tom Perini
Earl Broussard, Jr
Jim Bruseth

Members Absent

2. Approval of Minutes

Bruseth called for approval of the October 3rd, 2019 Archeology Committee meeting minutes. Broussard moved, Peterson seconded, and the committee voted unanimously to approve the minutes.

3. Proposed Rules Amendments

Archeology Director Brad Jones discussed the various rules amendments up for consideration. Jones noted that these rules were being updated to clarify regulations on the collection and testing of human remains.

3.a Discussion and possible action on proposed amendment to Chapter 24, Title 13, Part 2, section 24.17 of the Texas Administrative Code for first publication and public comments in the *Texas Register*

Bruseth moved, Broussard seconded, and the committee and voted unanimously to send forward recommend to the Commission, to approve the filing authorization of the proposed amendment to Texas Administrative Code, Title 13, Part 2, Chapter 24, Restricted Cultural Resource Information, Rule §24.17 the definitions of professional archeologist and principal investigator for first publication and public comment in the Texas Register.

3.b Discussion and possible action on proposed amendments to Chapter 26, Title 13, Part 2, Subchapter C, sections 26.13, 26.15 and 26.17 of the Texas Administrative Code for first publication in the *Texas Register*

Broussard moved, Perini seconded, and the committee voted unanimously to send forward and recommend to the Commission the filing authorization of proposed amendments to sections 26.13, 26.15 and 26.17, TAC, Title 13, Part 2, Chapter 26, Subchapter C related to archeological permits and decisions concerning destructive analysis of human remains for first publication and public comments in the Texas Register.

3.c Discussion and possible action proposed amendment to Chapter 29, Title 13, Part 2, section 29.5 of the Texas Administrative Code for first publication and public comments in the *Texas Register*

Peterson moved, Perini seconded, and the committee voted unanimously to send forward and recommend to the Commission to approve the filing authorization of the proposed amendment to Texas Administrative Code, Title 13, Part 2, Chapter 29, Management and Care of Artifacts and Collections, Rule §29.5 related to the Disposition of State Associated Collections for first publication in the Texas Register.

4. Division Director's Report

Jones reported on recent staff changes to the division, Director Pat Mercado-Allinger retired in the 4th Quarter of 2019 and was replaced by Jones. Jones noted that interviews were pending for a replacement for his previous position.

Jones briefly updated the committee on the recent Texas Archeology Month in October.

Jones presented on regional activities: Regional staff Arlo Mckee and Tiffany Osburn's work using ground penetrating radar on the Comanche Agency site where they identified the likely locations of the structures. Jones and Amy Borgens gave a workshop on using La Belle in the classroom at the National Council of Social Studies Conference. Jones noted that Mckee has been doing additional work at the Varner-Hogg Plantation. Jones also discussed recent presentations given by Jones and Borgens at the Society for Historical Archaeology meeting in Boston.

Jones updated the committee on upcoming staff presentations and symposia, at the Society for American Archeology Conference in Austin in April 2020

Jones updated the committee on an article recently published on the *La Belle* regarding recent DNA analysis of the human remains discovered on the ship. Surprising results indicate one of the remains belonged to a native american. Further research is pending.

Jones called on Bruseth, Bruseth updated the committee on recent events at the Coryell Site and Sarahville Cemetery; including analysis that had been done on the poultice found on the remains of James Coryell's cranium. Historic records indicate that Coryell was scalped by Native Americans during a skirmish.

5. Adjournment

Bruseth called for adjournment, Broussard motioned, Perini seconded and Bruseth adjourned the meeting at 2:01 p.m.

TAB 3

TEXAS HISTORICAL COMMISSION

Item 3.A
Texas Historical Commission
Quarterly Meeting
May 12, 2020

Discussion and possible action on Alamo unverified cemetery notice submitted by Texas General Land Office

Background:

A Notice of Unverified Cemetery was submitted on March 5, 2020 by the Texas General Land Office (GLO) for the Alamo Church located in San Antonio, Bexar County, Texas. The notice identifies “the interior of the Alamo Church, which was conveyed by the Catholic Church of the Diocese of San Antonio to the State of Texas in a deed executed on May 12, 1883, recorded in Vol. 31, Page 265, Deed Records of Bexar County, Texas.” The notice also includes a listing of the current landowner, The Texas General Land Office, who received a copy of the notice, in accordance with Health and Safety Code §711.0111.

As evidence, the GLO provides archeological interim reports describing the results of the current archeological investigations (Antiquities Permit 8713) within the Church. The excavations have to date identified four individual burials in the church, and the GLO presents the excavation reports as supporting evidence for the existence of an unverified cemetery.

In accordance with Health & Safety Code 711.0111, GLO filed a Notice of Unverified Cemetery concurrently with the THC and the landowners on record in the appraisal district. The Texas Administrative Code [Title 13, Part 2, Chapter 25, §25.9 (a)] states, “*The commission shall evaluate the notice and the evidence submitted with the notice, and consider the response of the landowner, if any is received not later than the 30th day after notice, and shall determine whether there is sufficient evidence to support the claim of the existence of a cemetery. If the commission determines that sufficient evidence supports the existence of a cemetery, the commission shall notify the landowner and may file notice of the existence of a cemetery under §711.011 of the Health & Safety Code.*” On March 5, 2020, Mark Haven, GLO, submitted a letter in support of designation of the Alamo Church as an unverified cemetery based on the evidence presented in the notice.

As presented in the evidence, the presence of human burial interments within the walls of the Alamo Church demonstrates archeological confirmation of the use of the church as the location of a cemetery. The results of archeological excavations outside of the structure further support the interpretation that the extent of Alamo Church cemetery is confined to the structure, with no additional evidence of burials outside. In their notice and letter response, GLO argues, citing the Texas Health and Safety Code, that although the identification of intact burials within the church “verified existence of interment in these locations, they [the archeologists] have not located nor verified ‘the presence of one or more unmarked graves.’” The position that the interments do not constitute verified unmarked graves is based on an interpretation of the Texas Health and Safety Code’s definition of a grave as containing human remains and requires the “body of a decedent”. Staff is unclear on how GLO came to the conclusion that the excavated interments are unverified, as the full definition of an unverified cemetery being cited in the letter defines “a location having some evidence of interment but in which the presence of one or more unmarked graves *has not been verified by a person described by Section 711.0105 or by the Texas Historical Commission*”. Section 7111.0105 identifies these persons as “cemetery keeper, a licensed funeral director, a medical examiner, a coroner or a professional archeologist”. As clearly described in the evidence, professional archeologists identified and excavated all four burials, all of which had evidence for skeletal material inside of distinct burial features, including

evidence for coffin hardware in one case, but were otherwise unmarked. THC staff does not agree with GLO's interpretation of the definition of an unverified cemetery and does not recommend designating the Alamo Church area as an unverified cemetery. Instead, it is the opinion of THC staff that the results of the excavations conducted in the Alamo Church in fact verify the existence of a cemetery within the confines of the structure.

Possible motions:

Motion A:

Move that the committee send forward to the Commission and recommend that the evidence provided in the Notice of Unverified Cemetery submitted by the GLO confirms designation of the Alamo Church as an unverified cemetery.

Motion B:

Move that the committee send forward to the Commission and recommend that the evidence provided in the GLO's Notice of Unverified Cemetery verifies the existence of intact and intentional human interments within the Alamo Church. Therefore, sufficient evidence supports the existence of a cemetery within the boundary of the Alamo Church as described in the notice.

FORM - NOTICE OF UNVERIFIED CEMETERY

Submitted to the Texas Historical Commission

Your contact information

Your Name: Texas General Land Office

Your Address 1700 N. Congress Avenue

Your City, State, Zip Austin, TX 78701

Other contact information (such as phone number, email: Jeff.gordon@glo.texas.gov

Current landowner's contact information

Name: Texas General Land Office

Address: 1700 N. Congress Avenue

City, State, Zip: Austin, TX 78701

Other contact information, if known: Mark.havens@glo.texas.gov

The Cemetery is located (describe the location, including GPS information, if available):

San Antonio, Bexar County, Texas
GPS Coordinates: 29.425725 x -98.486200

From Austin, Texas, drive South on I-35 for 78.3 miles. Take exit 158B to merge onto I-37/US-281 toward Corpus Christi, take exit 141C toward McCullough Ave/Nolan St, then turn right onto Brooklyn Avenue, then right left at the first cross street onto Ave E, then right onto E. Houston. The Alamo Church is located at 300 Alamo Plaza, San Antonio, Texas 78205.

The legal description for the land occupied by the Cemetery is as follows:

The Cemetery is contained solely within the Alamo Church itself.

Legal Description: The interior of the Alamo Church, which was conveyed by the Catholic Church of the Diocese of San Antonio to the State of Texas in a deed executed on May 12, 1883, recorded in Vol. 31, Page 265, Deed Records of Bexar County, Texas.

Property Use Description: EXEMPT - TOTAL EXEMPT

Provide a list of evidence: Physical elements might include potential graves marked only by stone, burial depressions, evidence resulting from inadvertent excavations, fencing, and/or commonly used grave plantings (iris, crepe myrtle). Documentary evidence might include a publication such as a family or community history, oral history, photos, maps, etc. NOTE: if the cemetery is identified in a deed, please use the Notice of Existence of an Unknown or Abandoned Cemetery <http://www.thc.texas.gov/preserve/projects-and-programs/cemetery-preservation/discovery-and-notice-existence>.

This Notice signed and executed on the 5th day of March, 2020.

Jeff Gordon
(signature)

Jeff Gordon
(printed name)

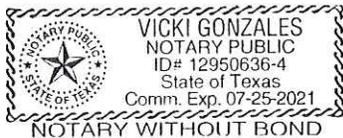
General Land Office, 1700 N. Congress Ave.
(address) Suite 900
Austin, TX 78701

THE STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me on the 5 day of March, 2020,

by Jeff Gordon.



Vicki Gonzales
Notary Public, State of Texas

Landowner Notification Letter

Texas General Land Office
Attn: Mark Havens, Deputy Land Commissioner
1700 N. Congress Ave
Austin, Texas 78701

March 5, 2020

Dear Mr. Havens,

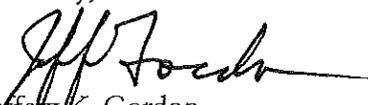
Pursuant to the Texas Health and Safety Code Sec. 711.0111. FILING RECORD OF UNVERIFIED CEMETERY: (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.

(b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

(c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.

(d) If the Texas Historical Commission determines that there is sufficient evidence that a cemetery exists, the Texas Historical Commission shall file notice of the existence of the cemetery under the provisions of Section 711.0111.

Sincerely,

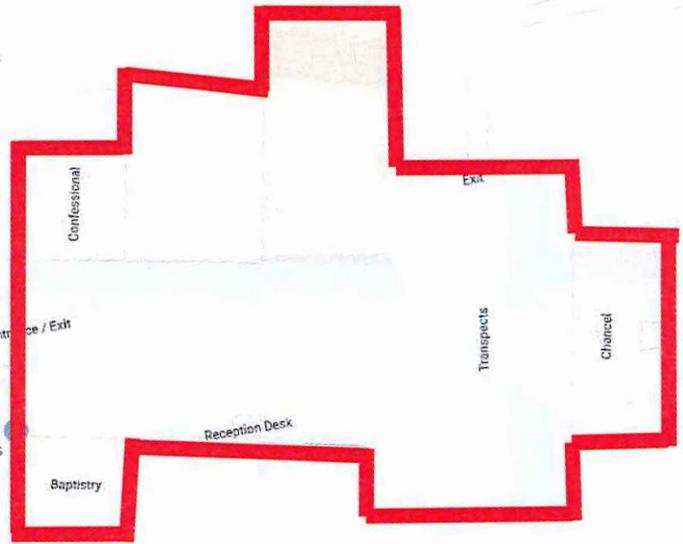


Jeffrey K. Gordon

Texas General Land Office
General Counsel

The Alamo
Legendary fort &
Texas-history museum

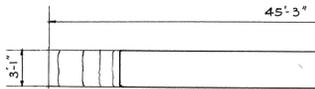
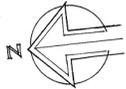
Alamo Gift Shop



San Antonio
Walks & Drives

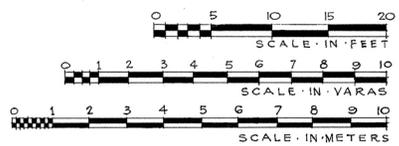
Alamo Plaza



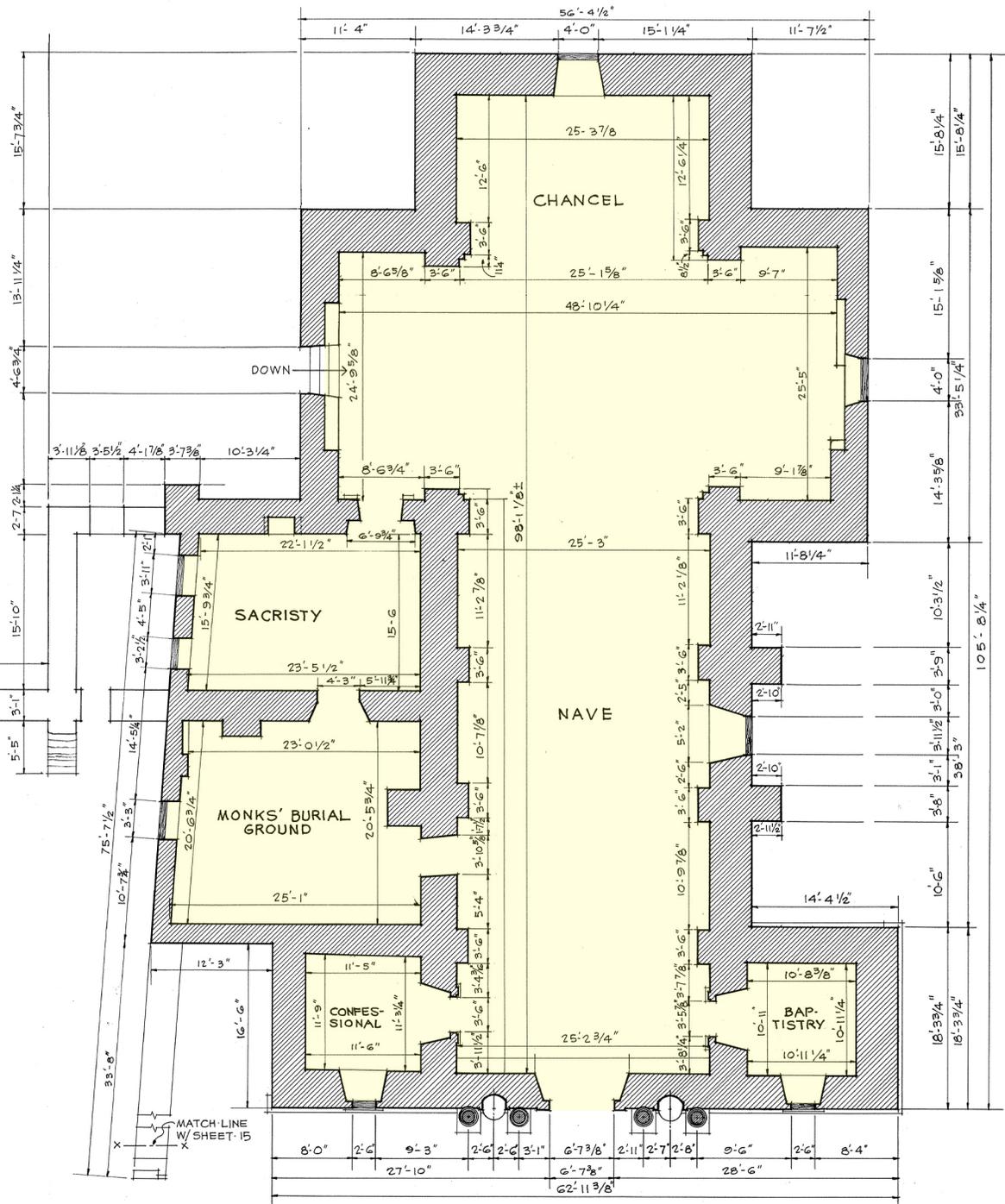


FLOOR PLAN

SCALE: 1/8" = 1'-0"

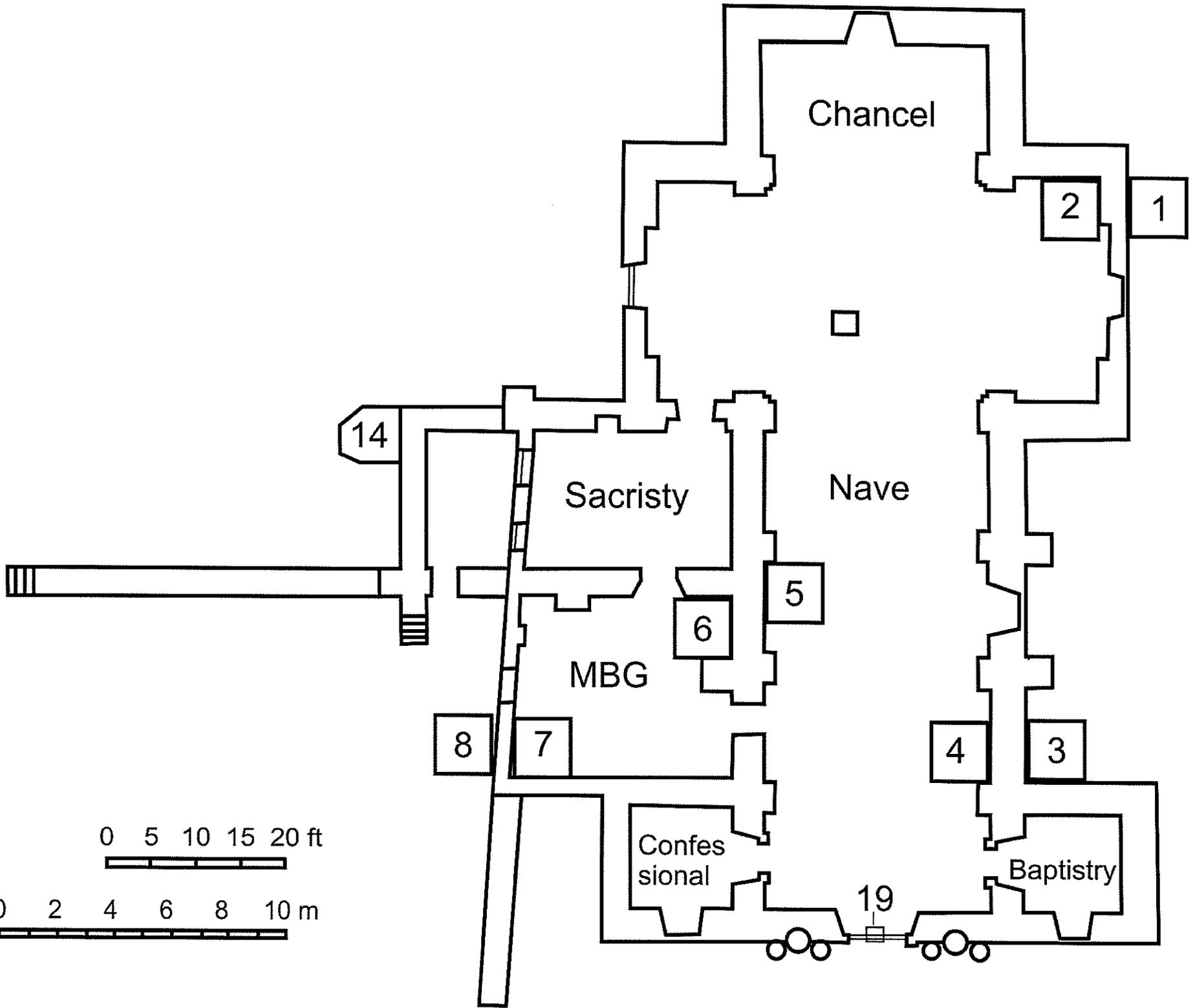


JOSÉ G. JIMÉNEZ, DEL.



WESTERN OFFICE SAN FRANCISCO CALIFORNIA <small>UNDER DIRECTION OF UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE, BRANCH OF PLANS AND DESIGN</small>	NAME OF STRUCTURE MISSION - SAN - ANTONIO - DE - VALERO - (THE ALAMO) SAN ANTONIO BEXAR CO. TEXAS	SURVEY NO. TEX-318	HISTORIC AMERICAN BUILDINGS SURVEY SHEET 2 OF 17 SHEETS	<small>LIBRARY OF CONGRESS INDEX NUMBER</small>
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LC-USZAI-1668



0 5 10 15 20 ft



0 2 4 6 8 10 m



Listing of Evidence of Unverified Cemetery

All work in association with the archaeological work supporting the architectural investigations of the Church and Long Barrack have been conducted by Raba Kistner archaeologists, under TAC Permit # 8712 with Dr. Steve A. Tomka serving as Principal Investigator. Below are summaries of the burials encountered during excavations within the Church. All burials discussed below remain in situ.

Burial 1

Burial number 1 was discovered during exploratory excavations of EU-04. The clustered elements were discovered at 49-cm below datum. The remains represent a concentration of several small bones that upon in-field preliminary analysis, appeared to represent a single infant or young child. It is unclear whether the cluster represents a disturbed burial, with elements subsequently gathered and reburied.

EUs 3 and 4 were positioned in the corner formed by the east wall of the Baptistry and the south wall of the Nave (Figure 3). These excavations allow the comparison of the below grade conditions present along the South wall of the Alamo Church in contexts associated with the Monel Plate versus that absence of the plate. There is no other setting along the perimeter of the Church that replicates this condition.

Burial 2

Burial number 2 was discovered during excavations of EU-05. The fragmented or disarticulated human bones partially uncovered during the exploratory excavations consist of cranial (n=1) and postcranial (n=4) elements. The remains were identified at 83.5 cm below datum. Archeologists did not discover an actual, physical coffin within the unit, but the burial was defined primarily on the basis of the discovery of coffin nails and a change in color in the unit's soil forming a pattern representative of a hexagonal coffin. No excavation of the remains found within the interior of the coffin outline have been undertaken.

The location of EUs 5 and 6 inside the footprint of the Church (Figure 3), provides information on wall and foundation conditions for architectural elements that are entirely isolated from exterior conditions. Therefore, this pair of units serves as an important baseline for the condition of architectural elements not impacted by rainfall and daily and seasonal temperature changes. Furthermore, the two EUs provide opportunities to examine both east-to-west (i.e., the Nave wall), as well as north-to-south (i.e. the wall that divides the Monk's Burial Ground [MBG] Room from the Sacristy) oriented foundations. These conditions are not present at any other location within the Alamo Church.

Burial 3

Burial number 3 was discovered during exploratory excavations in EU-06. The elements are tightly bundled together in a manner that appears to represent an intentional possible secondary burial. The bone fragments were identified 119.5 cm below datum or 109.5 cm below the pavers in the church. Based on a preliminary analysis, the elements represent the adult age group, but a Minimum Number of Individuals (MNI) and ancestry could not be determined.

The location of EUs 5 and 6 inside the footprint of the Church (Figure 3), provides information on wall and foundation conditions for architectural elements that are entirely isolated from exterior conditions. Therefore, this pair of units serves as an important baseline for the condition of architectural elements

not impacted by rainfall and daily and seasonal temperature changes. Furthermore, the two EUs provide opportunities to examine both east-to-west (i.e., the Nave wall), as well as north-to-south (i.e. the wall that divides the Monk's Burial Ground [MBG] Room from the Sacristy) oriented foundations. These conditions are not present at any other location within the Alamo Church.

Burial 4

Burial number 4 was discovered during exploratory excavations for EU-02. The burial was located in the south-central area of the unit at approximately 57 cm below datum, adjacent to the southern South Transept wall. A single subadult individual is represented by the fragmented or disarticulated human bones.

Excavation Units 1 and 2 (EUs 1 and 2) were positioned on the outside and inside of the South Transept, respectively. In 1995, a Monel Plate was inserted into the wall 15-inches below the modern-day ground surface spanning the South Transept. The goal of the plate was to prevent the upward migration of rising damp from the foundation to the wall of the structure, however, because the plate was not positioned at the original ground surface of the Church wall, its existence may actually be negatively affecting the Church. Anecdotal information indicates that the moisture content below the Monel Plate spiked while there was a considerable decrease above the plate. Since one of the principal adverse impacts to the two surviving structures of the site derives from rising damp, the examination of the area surrounding the Monel Plate some 24 years after it was installed will provide valuable information regarding its performance and the condition of the foundation below the plate and the wall above. Such information cannot be obtained in any other location. In addition, EUs 1 and 2 will allow the Design Team to study both the southern and eastern walls of the South Transept.

Archaeology Update Week of November 25, 2019

Excavations for the week of November 25th were limited due to the holiday week. Excavations focused on EU-03, EU-04, and EU-06. Excavations for EU-03 continued with the completion of Level 4 (40-50 cm below datum) (**Figure 1**). A linear feature that had begun to manifest in the previous week was now clearly defined by the end of Level 4. The feature projected from southeast to northwest and consisted of a light gray, silty loam matrix that measured approximately 17 cm wide, expanding to 50 cm N/S by 33 cm E/W at the northwestern corner. Additionally, the concrete conglomerate that was first exposed in previous levels continued to be exposed at the southwestern corner of the 2-x-2 m unit. The irregular-shaped mass measures approximately 30 cm wide, 25 cm thick, and does not appear to be associated with any intact feature or deposit. The mass will be removed from the unit in the next level of excavation for safety purposes. Lastly, a circular feature resembling a post hole had also manifested near the northeastern corner of the unit. The feature is filled with a silty brown matrix and will be explored further in the following level. Artifacts recovered this week include clear and brown container glass fragments, unidentifiable metal fragments, ceramic sewer pipe fragments, plaster fragments, a sherds of plain white earthenware, and faunal bone/bone fragments (small to medium mammal).

Exploratory excavations for EU-04 continued with the completion of Level 3 (40-50 cm below datum) and the beginning of Level 4 (50-60 cm below datum) (**Figure 2**). Level 4 excavations continued to expose the kick out previously identified along the southern edge of EU-04, as well as the remnants of a compacted caliche surface. The fragmented caliche surface only appears near the southern boundary of the unit, adjacent to the kick out. Cultural materials observed during EU-04 excavations this week included faunal bone/bone fragments (rodent, fish, and large mammal), unidentifiable ferrous metal fragments, clear fragments, charcoal, brick fragments, charcoal fragments, and ceramic sherds. Identifiable human bone/bone fragments recovered this week from EU-04 consisted of teeth elements, lower limb elements, upper limb elements, cranial elements, and torso elements, all measuring less than 20 cm in length on average. Additional bone fragments measuring less than 1-2 cm in length were also recovered, but it is not readily determinable whether these fragments are human or faunal bone. No articulated elements were recovered within the boundaries of the unit. All identifiable elements indicate a mixture of skeletal elements. Identifiable elements from EU-04 this week represented the adult and sub-adult age groups.

No excavation for EU-05 this week.

Exploratory excavations for EU-06 continued with the completion of Level 7 (90-100 cm below datum) and the near completion of Level 8 (100-110 cm below datum) (**Figure 3**). Excavations continued to expose the limestone kick out that borders most of the east, south, and west Church walls. Cultural materials identified this week in EU-06 consisted of faunal bone/bone fragments (rodent and small mammal), ceramics, brick fragments, lithic debitage, and snail shell. No identifiable human bone elements were uncovered this week for EU-06.

No excavation occurred for the project on November 28-29, 2019 due to the Thanksgiving holiday.



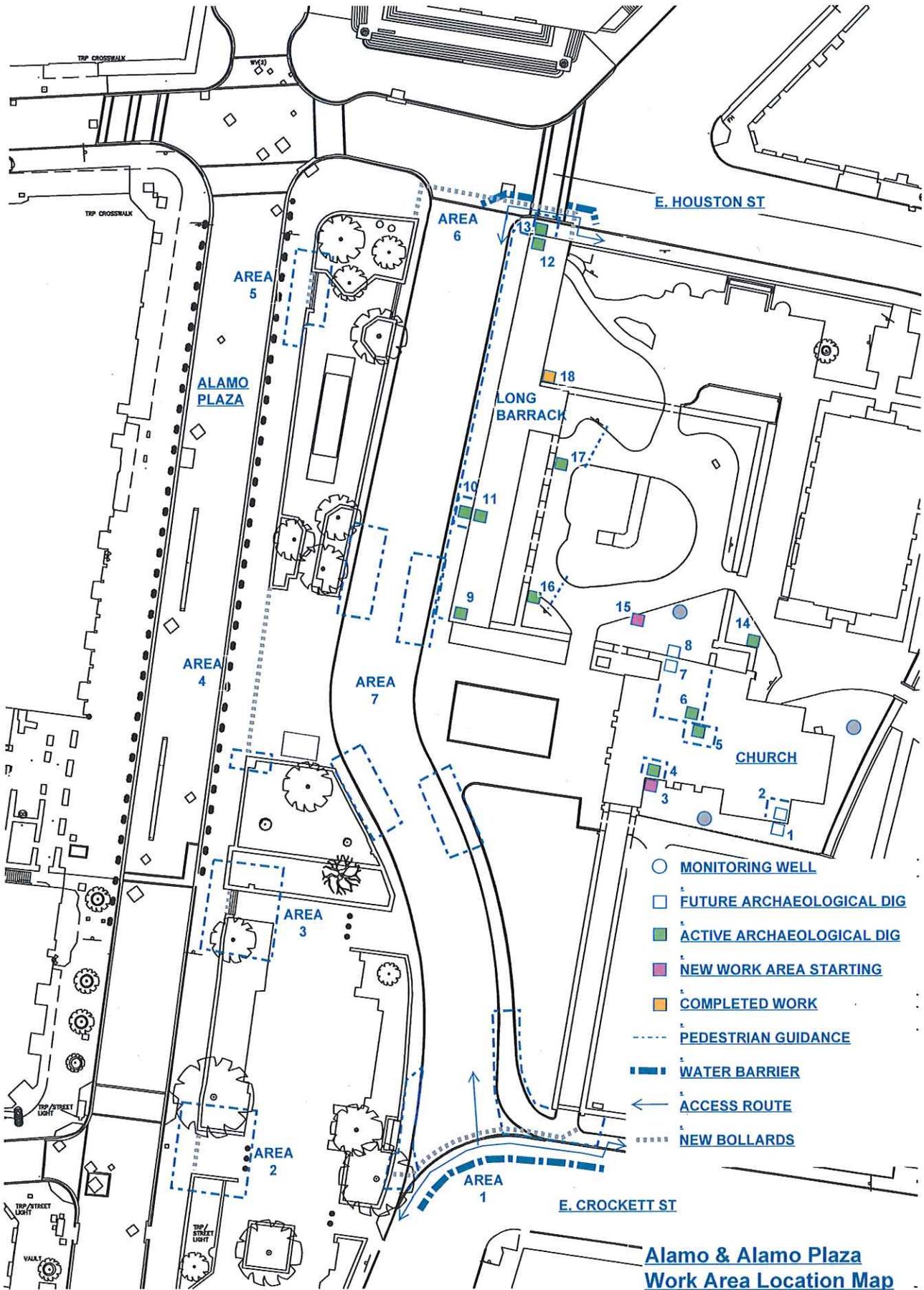
Figure 1. End of the week excavations for EU-03, end of Level 4 (40-50 cm below datum) facing west.



Figure 2. Overview of closing excavations of EU-04, Level 3 (50-40 cm below datum), facing west.

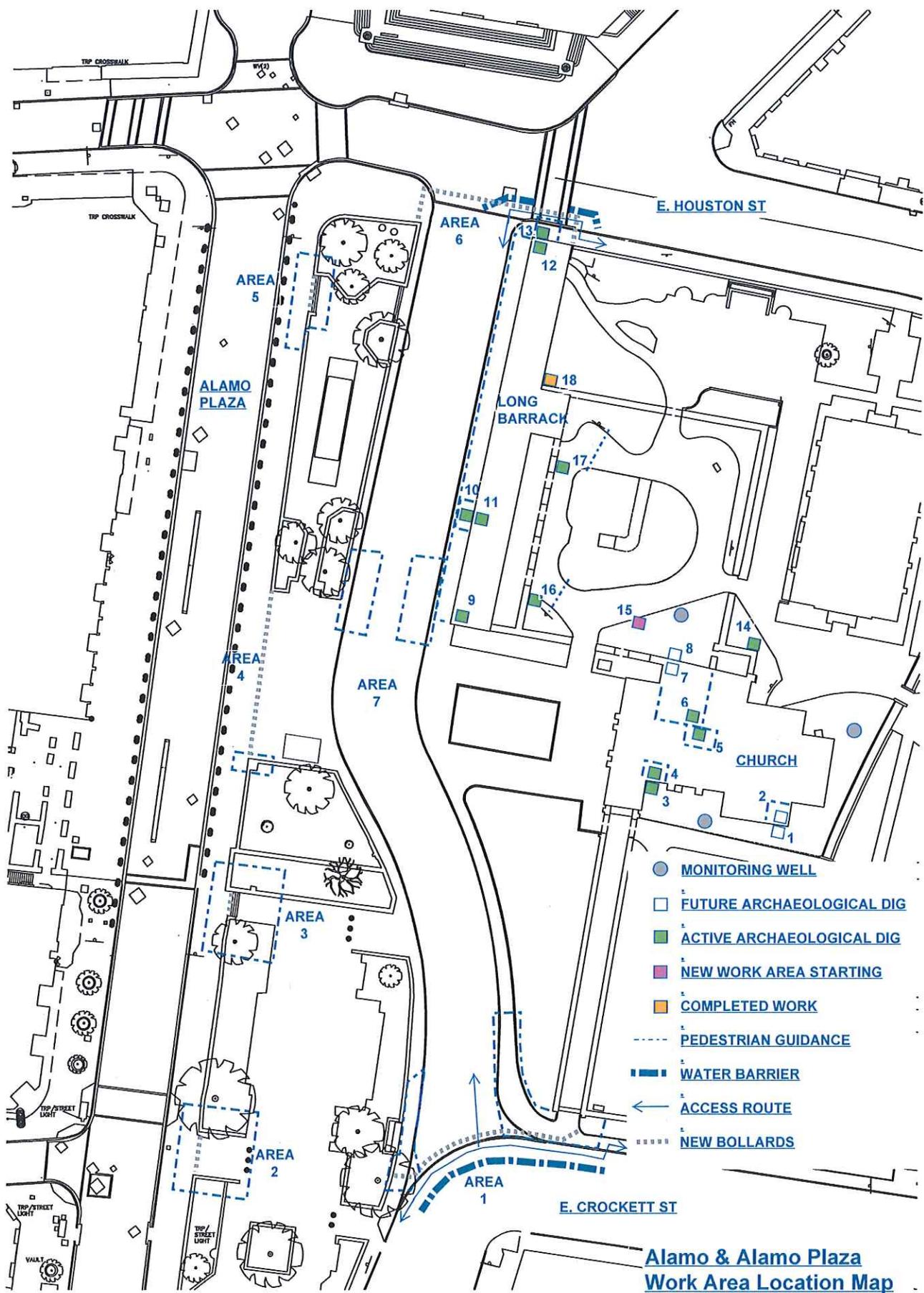


Figure 3. Overview of EU-06, beginning of Level 8 (100-110 cm below datum), facing south.



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**Alamo & Alamo Plaza
Work Area Location Map
Week of 11/11-11/15, 2019**



**Alamo & Alamo Plaza
Work Area Location Map
Week of 11/18-11/22, 2019**

Archaeology Update Week of December 9, 2019

Excavations for the week of December 9, 2019, focused on EU-01, EU-02, EU-03, and EU-06.

Excavations for EU-01 continued with the completion of Level 1 (6-30 cm below datum) and Level 2 (30-40 cm below datum), and the beginning of Level 3 (40-50 cm below datum) (**Figure 1**). Deposits continued to be mixed as a result of the 1995 CAR UTSA excavations as well as disturbances from existing utilities within the unit. Cultural materials recovered from EU-01 this week included brick fragments, mortar/plaster fragments, faunal bone and bone fragments (small to large mammal), nails (square, wire, and tack), unidentifiable metal fragments, ceramic sherds (plain white earthenware, hand-painted white earthenware, porcelain, lead glaze, tin glaze, sewer pipe), lithic debitage, charcoal, container glass fragments (clear, brown, olive, 7-Up green, and aqua), fire-cracked rock, a possible metal game piece, and an 1841 coin of an unknown origin (**Figure 2**). A single adult human tooth with postmortem damage, was also recovered during Level 2 screening efforts. No other identifiable human bone or bone fragments were recovered from EU-01 in Level 2 or any previous levels for the unit. Furthermore, there are no possible features or soil changes indicating the potential encounter of additional fragments or intact remains. The THC and AMAAC were notified of the find, and written notification was sent to the THC. Due to the singular nature of the tooth and the disturbed context of the find, the recovered tooth was classified as an Isolated Find and excavations continued. Should additional human bone or bone fragments be encountered, RKI archaeologists will halt excavations and consult with the appropriate entities.

Exploratory excavation for EU-02 began this week with the completion of Level 1 (20-30 cm below datum) Level 2 (30-40 cm below datum), and Level 3 (40-50 cm below datum) (**Figure 3**). Soils within the unit continued to consist of sterile sands within the southern three quarters of the unit, with the northern quarter of the unit being the same silty clay matrix observed within the other Church unit excavations. Cultural materials observed this week in EU-02 consisted of large volumes of construction material (asphalt, concrete, and limestone fragments), faunal bone and bone fragments (rodent and small to large mammal), container glass fragments (clear, brown, and green), ferrous nails, and ceramic sherds (earthenware). All cultural materials observed were restricted to the northern quarter of the unit, within the silty clay matrix. No cultural materials were recovered from the sterile sand matrix. The bottom of the sterile sand and plastic tarp (set in place during the 1995 CAR UTSA investigations) was exposed by the end of the week and removed to reveal the silty clay matrix throughout the entire unit (**Figure 4**).

Identifiable human bone and bone fragments recovered this week from EU-02 consisted of lower limb elements and upper limb elements, all measuring less than 5 cm in length on average. Additional bone fragments measuring less than 1-2 cm in length were also recovered, but it is not readily determinable whether these fragments are human or faunal bone. No articulated elements were recovered within the boundaries of the unit. All identifiable elements indicate a mixture of skeletal elements. Identifiable elements from EU-02 this week represented the adult age groups.

Excavations for EU-03 continued this week with the completion of Level 7 (70-80 cm below datum) and Level 8 (80-90 cm below datum) (**Figure 5**). The construction trench associated with the cast iron utility pipe documented in the previous week continued through to the bottom of Level 8. Three compacted caliche surfaces were identified this week in EU-03: the first at 74 cm below datum; the second at 80 cm below datum; and the third at 86 cm below datum. All three surfaces are constructed of varying compacted caliche and lime matrices, and are partially separated by a thin (less than 1 cm) layer of dark brown soil matrix. All three surfaces had been impacted by the utility trench, as well as two post hole features near the southern end of the unit. Artifacts recovered this week from EU-03 were minimal and

include mostly faunal bone and bone fragments (bird and medium to large mammal) with a few ceramic sherds (Spanish Colonial) observed.

No excavation for EU-04 and EU-05 occurred this week.

Exploratory excavations for EU-06 continued with the completion of Level 9 (110-120 cm below datum). Further excavations uncovered additional limestone rocks throughout most of the eastern half of the profile. It is unclear if the stone concentration is a cultural or natural deposit; however, the stones appear to be similar to the deposits observed during lower level excavations of the Long Barrack. Additional excavations for EU-06 also further defined the soil change between the dark brown clay and the lighter soil matrix identified in the previous week. It was observed that the human bone and bone fragment concentration identified in the previous week appears to be contained to the lighter soil matrix within the unit. The human bone and bone fragments are tightly bundled together in a manner that appears to represent an intentional burial. The protocol set forth in the Human Remains Treatment Plan will inform the next steps in the process as possible designations are determined. As such, all work in EU-06 will halt pending the cemetery designation progress. The human bone and bone fragments will be covered with a thin layer of sterile soil matrix to prevent drying out, and will then be covered with a layer of muslin and more sterile soil.



Figure 1. Closing of Level 2 (30-40 cm below datum) excavations for EU-01, facing north.

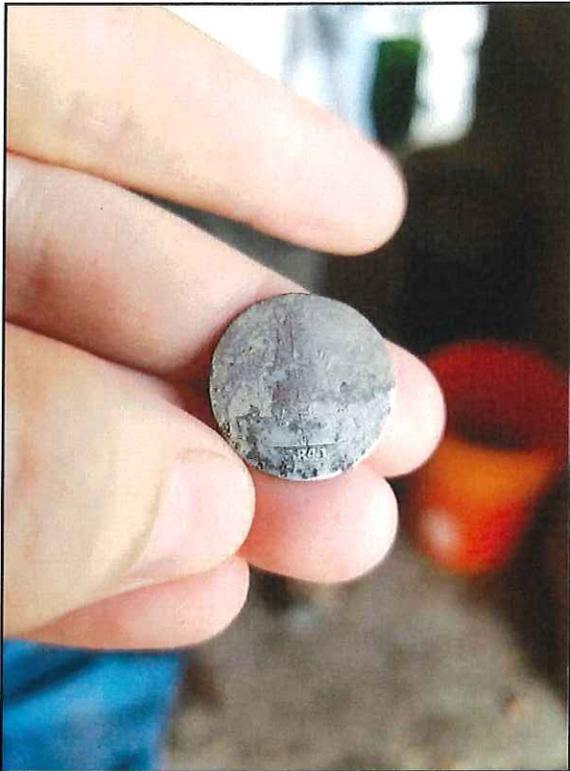


Figure 2. 1841 coin recovered from EU-01 excavations this week.



Figure 3. Beginning of Level 3 (40-50 cm below datum) excavations for EU-02, facing south.



Figure 4. Profile view of plastic sheeting placed along the southern boundary of EU-02 during the 1995 CAR UTSA investigations, facing west.



Figure 5. Closing excavations for Level 8 (80-90 cm below datum), EU-03, facing north.

Archaeology Update Week of January 20, 2020

Excavations for the week of January 20, 2020, focused on EU-01, EU-02, EU-07, EU-08, and EU-9B. No work occurred in EU-03 thru EU-06 this week. Excavations for EU-01 continued with the completion of Level 9 (100-110 cm below datum) and Level 10 (110-120 cm below datum) (Figure 1). Excavations continued to expose and remove the compacted caliche surface from the northern portion of the unit, while the limestone rock and cobble inclusions within the southern portion of the unit continued to increase with depth. The post hole feature identified in the previous week was excavated and removed. No cultural materials were recovered from within the post hole feature. Cultural materials recovered this week during EU-01 excavations included faunal bone and bone fragments (small to large mammal), charcoal, lithic debitage, ceramics (Spanish Colonial, including Valero, a possible olive jar sherd, and burnished), and building materials (mortar and plaster). Excavations for EU-01 were put on hold at the completion of Level 10 due to adverse pressure from the interior excavations (EU-02).

Excavations for EU-02 began again this week after environmental testing. Excavation continued with the completion of Level 4 (50-60 cm below datum). A compact caliche surface was uncovered at approximately 54 cm below datum. The floor appears to be mostly intact throughout the unit with the exception of the southwestern corner of the unit. Also uncovered was an alignment of limestone rocks along the eastern boundary of the unit at 60 cm below datum. The stones likely represent the first kick out of the eastern South Transept wall. About mid-day on January 22nd, a concentration of human bone and bone fragments was uncovered at approximately 58 cm below datum near the southern boundary of the unit. The orientation and anatomical positioning of the bone and bone fragments indicates that the concentration likely represents an intentional burial. The Alamo Archaeologist, Principal Investigator, and THC were immediately notified of the discovery. The Tribal Monitor was present throughout the excavation and discovery of the burial. Excavations for the rest of the Level 4 (50-60 cm below datum) were completed without disruption to the intact burial to determine if any other identifiable skeletal elements were present. However, once level excavations were completed, all work within EU-02 ceased. The human bone and bone fragments were covered with a layer of sterile soil matrix to prevent drying out, and then covered with a layer of muslin and more sterile soil for added protection. The protocol set forth in the Human Remains Treatment Plan will inform the next steps in the process as designations are completed and plans are developed. As such, all work in EU-02 will halt. Cultural materials recovered from EU-02 this week consisted of faunal bone and bone fragments (rodent and large mammal), charcoal, ceramics (Spanish Colonial tin glazed), lithic debitage, ferrous nails, and glass fragments.

Excavations for EU-07 this week continued with the completion of Level 4 (50-60 cm below datum) (Figure 2) and the near completion of Level 5 (60-70 cm below datum). Most of the unit consisted of a dense concentration of limestone rocks and cobbles, but the edges of a caliches surface were also uncovered and documented near the bottom of Level 4. The caliche floor was removed and made up most of Level 5. Cultural materials recovered this week from EU-07 consisted of lithic flakes, faunal bone and bone fragments (rodent), ceramics (Spanish Colonia unglazed) and snail shell.

Excavations for EU-08 this week continued with the completion of Level 5 (40-50 cm below datum) and Level 6 (50-60 cm below datum) (Figure 3). A blue PVC pipe was uncovered at approximately 50 cm below datum parallel to the northern boundary of the unit, and the remnants of a metal arched casing were starting to manifest from east to west near the center of the unit. The arched casing is likely associated with the metal pipe that was observed leading into the concrete vault at the western end of the unit. Soils within EU-08 continue to be heavily disturbed, with additional limestone rocks had manifesting near the

western end of the unit, adjacent to the utility vault. Cultural materials recovered this week from EU-08 consisted of building material (red brick and mortar), flat glass, container glass (brown and clear), unidentifiable ferrous metal fragments, slag, charcoal, faunal bone and bone fragments (rodent and small to medium mammal), and ceramics (European and Spanish Colonial).

Excavations for EU-9B began this week on January 21, 2020 (**Figure 4**). The unit is positioned at the southwestern exterior corner of the Long Barrack and measures 2 m north/south by 3 m east/west. The concrete that capped the unit varied greatly in thickness throughout the unit, resulting in Level 1 measuring out at 28-60 cm below datum. Opening excavations consisted of a disturbed silty clay matrix with a strip of orange construction sand running from northwest to southeast, diagonally through the unit. Cultural materials recovered from EU-9B excavations this week included ceramics (Spanish Colonial), unidentifiable ferrous metal, charcoal, slag, one aluminum can pull tab, and faunal bone and bone fragments (rodent and small to medium mammal).



Figure 1. Closing of Level 10 (110-120 cm below datum) excavations for EU-01, facing east. *Note: North arrow in photo is pointed wrong direction.*



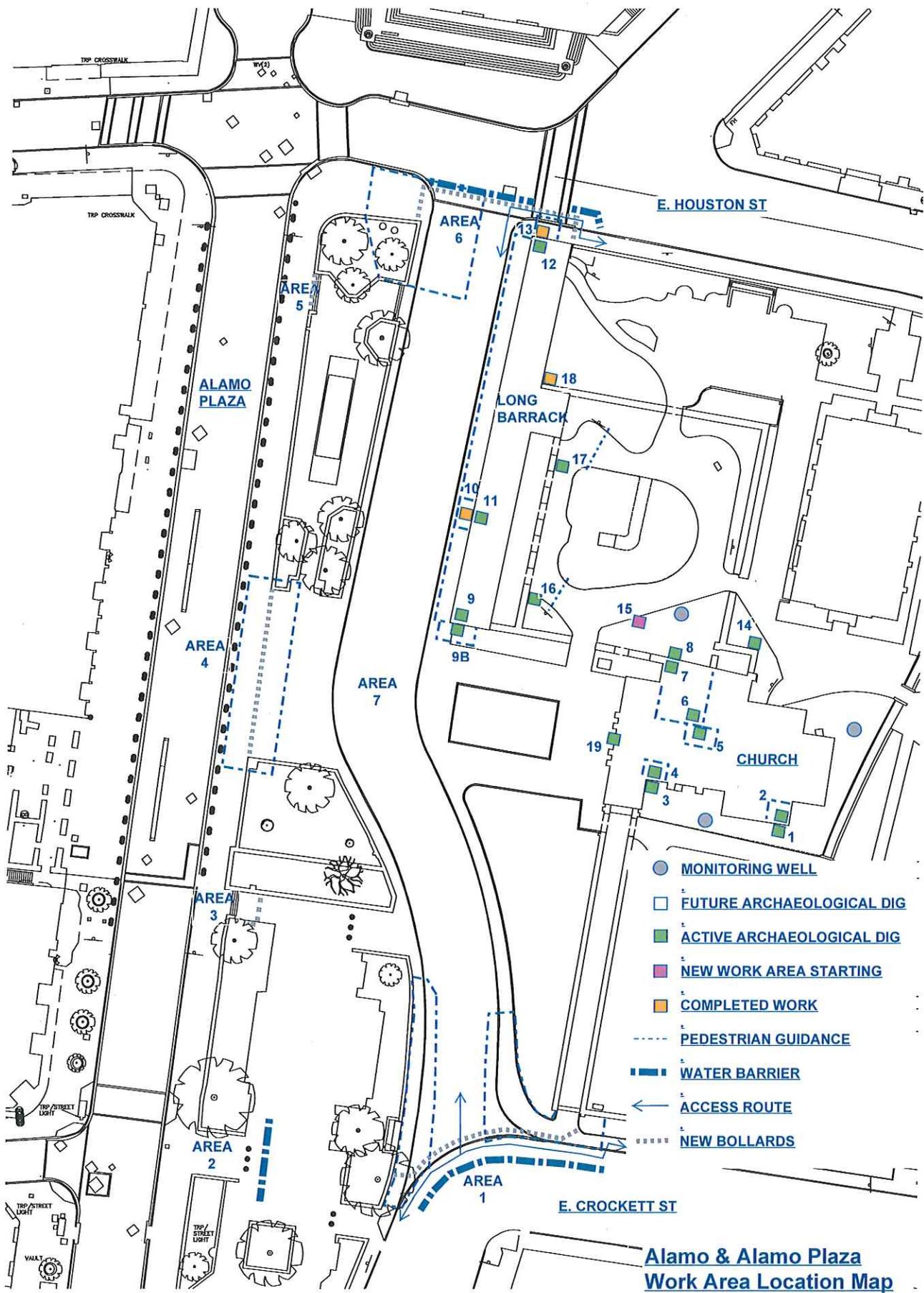
Figure 2. Closing of Level 4 (50-60 cm below datum) excavations for EU-07, facing west.



Figure 3. Closing of Level 6 (50-60 cm below datum) excavations for EU-08, facing east.



Figure 4. Opening of Level 1 (28-60 cm below datum) excavations for EU-9B, facing west.



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**Alamo & Alamo Plaza
Work Area Location Map
Week of 1/27-1/31, 2020**



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

March 5, 2020

VIA EMAIL AND REGULAR MAIL

Mark Wolfe
Executive Director
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276
Email: Mark.Wolfe@thc.texas.gov

Dear Mark:

Please allow this letter to serve as the official response of the Texas General Land Office (GLO), pursuant to Texas Health and Safety Code Section 711.0111(b), to two unverified cemetery applications concerning the Alamo Complex, Alamo Plaza, and surrounding properties. One such application was filed by the Alamo Defenders Descendants Association (ADDA) and the other by Raymond Hernandez. These submissions are essentially identical to those considered last year by the THC and continue to request an overinclusive cemetery designation pertaining to multiple state, local, and privately-owned properties for which no evidence of intentional interment has been found.

Based on archeological discoveries within four specific excavation units inside the Alamo Church, the Texas General Land Office is of the belief an unverified cemetery designation is warranted for the Church property. In accordance with Texas Health and Safety Code Section 711.0111, the GLO is concurrently filing with this response an unverified cemetery application specific to the interior of the Alamo Church property. As such, the GLO requests that the THC (a) confirm the existence of the unverified cemetery inside the Alamo Church, and (b) deny both unverified cemetery applications, addressed below in turn, which are sweepingly overbroad and provide no new evidence for designation of any property except the Alamo Church.¹

I. The THC Should Designate the Alamo Church an Unverified Cemetery

¹ The GLO has also received copies of notices of unknown or abandoned cemeteries filed by Maria Torres and Randy Lea Barnes for a large area around the Alamo Complex. It is the GLO's understanding that these notices are not currently pending before the THC, but the GLO reserves the right to respond should the THC consider them.

Texas Health and Safety Code Section 711.001(38) defines an unverified cemetery² as “a location having some evidence of interment but in which the presence of one or more unmarked graves has not been verified by a person described by Section 711.0105(a) or by the Texas Historical Commission.” Recently, archeologists have uncovered instances of intentional interment within four excavation units inside the Alamo Church.

As detailed in the unverified cemetery application filed concurrently with this response, the GLO contracted with Raba Kistner archaeologists to conduct excavations within the Alamo Church and Long Barrack pursuant to long-term preservation plans for these historic structures. As described in detail in emails between Raba Kistner archaeologists and Texas Historical Commission staff, the GLO hereby confirms the existence of intentional interment in the Alamo Church as follows: (1) Excavation Unit 5, located on the north side of the Alamo Church’s nave; (2) Excavation Unit 4, located on the south side of the Alamo Church’s nave; (3) Excavation Unit 6, located along the south wall of the Monks’ Burial Room; and (4) Excavation Unit 2, located on the southeast side of the Church transept. These units are mapped in **Attachment A** as they exist within the Alamo Church, thus constituting “some evidence of interment” as the statute requires. However, while archaeologists have verified existence of interment in these locations, they have not located nor verified “the presence of one or more unmarked graves.”³ Thus, the interior of the Alamo Church qualifies for consideration of an unverified cemetery designation.

A complete unverified cemetery application requires physical evidence as well as documentary evidence for use in determination by the THC. While in the past, historical writings only contemplated Christian burials within the Alamo Church during its time as a mission, physical evidence indicating intentional interments has now been uncovered. Now, both documentary and physical evidence exist to validate an unverified cemetery designation specific to the Alamo Church property.

Though archaeologists have verified existence of intentional burials within the confines of the Alamo Church, excavation units on the exterior of the Church and within the Long Barrack, as mapped in **Attachment B**, have not uncovered any evidence of interment or marked or unmarked graves that would warrant designation of an unverified cemetery for these additional Alamo Complex grounds, or for any area outside the interior of the Alamo Church. Accordingly, the cemetery designation requested should only be granted for the interior of the Alamo Church based on the physical evidence presented in the GLO’s application.

² “Cemetery” means a place that is used or intended to be used for interment, and includes a graveyard, burial park, mausoleum, or any other area containing one or more graves. Tex. Health & Safety Code Ann. § 711.001(4) (West).

³ Texas Health and Safety Code Section 711.001(19) defines “grave” as “a space of ground that contains interred human remains or is in a burial park and that is used or intended to be used for interment of human remains in the ground.” The definition of “human remains” found under this same section requires a “body of a decedent.” Texas Health and Safety Code Section 711.001(20). No bodies have been found inside or outside of the Alamo Church.

II. The THC Should Deny the ADDA's Application to Designate Multiple Properties with no New Evidence of Interment as an Unverified Cemetery

On May 8, 2019, the Alamo Defenders Descendants Association filed an application with the Texas Historical Commission to declare the Alamo Complex and Alamo Plaza an unverified cemetery, pursuant to Health and Safety Code Section 711.001. Now, nine months later, they have refiled the same application with the addition of one email dated December 4, 2019 from Alamo archeologist Kristi Nichols to the Alamo Mission Archeological Advisory Committee. This attachment, included here as **Attachment C**, undercuts their position because it provides evidence relevant to cemetery grounds only inside the Alamo Church, but nowhere else that the application describes.

When the original application was submitted in May of 2019, applicants broadly cast their net in seeking to designate not only the Alamo Church, but other areas of the Alamo Complex, Alamo Plaza, and neighboring privately-owned properties. Now, more than nine months later, there is still no evidence in existence for the properties listed on the application outside of the Alamo Church and beyond. Even though evidence has been located in a few specific areas within the Alamo Church, the resubmitted application still broadly seeks to designate multiple properties with no evidence of interment found. The new application does not warrant revision of the THC's prior determination, particularly with respect to the areas where no archaeology has occurred and no intentional burials have been located, which comprise the vast majority of the area for which designation is sought. The ADDA application should be denied.

III. The THC Should Deny the Hernandez Application to Designate Multiple Properties with no New Evidence of Interment as an Unverified Cemetery

On January 29, 2020, Raymond Hernandez submitted an unverified cemetery application covering the Alamo Complex and same surrounding properties. Like the ADDA Application, the Hernandez application is overbroad, and lacks new evidence of human remains for the vast majority of properties it seeks to designate. The Texas Historical Commission should deny this application at its March 2020 quarterly meeting.

The Hernandez application begins with a historical description of burials at the Alamo mission grounds. This same historical narrative, in past THC determinations, has already been deemed insufficient to provide the physical evidence required for an unverified cemetery application.

The Hernandez application also submits the THC's designation of a "Historic Texas Cemetery" on Alamo grounds as evidence of an unverified cemetery. However, this designation does not provide evidence of an unverified cemetery, particularly where the designation itself states that the THC based its determination on the "absence of any visible evidence on the surface or any evidence of intact human remains outside of the perimeter of the Alamo Chapel." Moreover, the designation explicitly provides that it was "not intended to affect the allowed uses of this property, and does not constitute the designation of an Unknown or Abandoned Cemetery under the Health and Safety Code." The THC members also specifically stipulated during their vote for this designation they were "not talking about any designation that has any effect on any use of the

Mark Wolfe
March 5, 2020
Page 4

property, this is just about a Historic Texas Cemetery, which is more or less an honorary designation.”⁴

This conclusion was both read aloud when the Commission granted the Historic Texas Cemetery designation on May 10, 2019, and subsequently documented in the actual motion itself. This motion was communicated to not only the designated property owners, but the applicant for the Historic Texas Cemetery designation, who is the same applicant for the unverified designation at issue. This communication is attached herein as **Attachment D**. Nevertheless, the applicant ignored this determination and resubmitted virtually the same documentation already acted upon by the THC.

Accordingly, like the ADDA application, the Hernandez application provides no new evidence which the Texas Historical Commission might consider in designation of the various state, local and privately-owned properties over which the application casts its wide net. Therefore, the Hernandez application should be denied by THC.

In closing, we appreciate your time and consideration of the GLO’s response. Please contact us with any additional questions.

Sincerely,

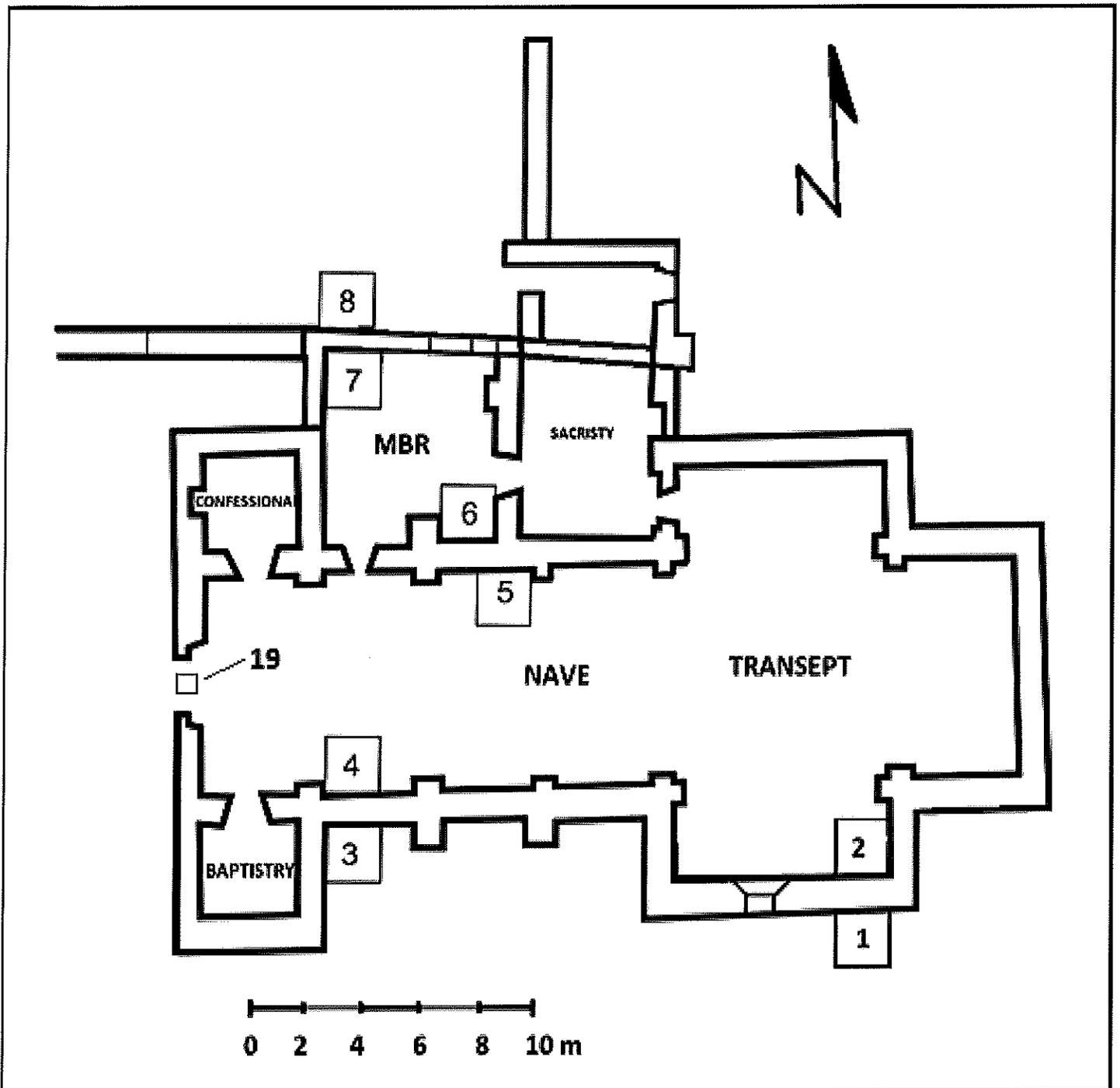


Jeffery K. Gordon
General Counsel,
Texas General Land Office

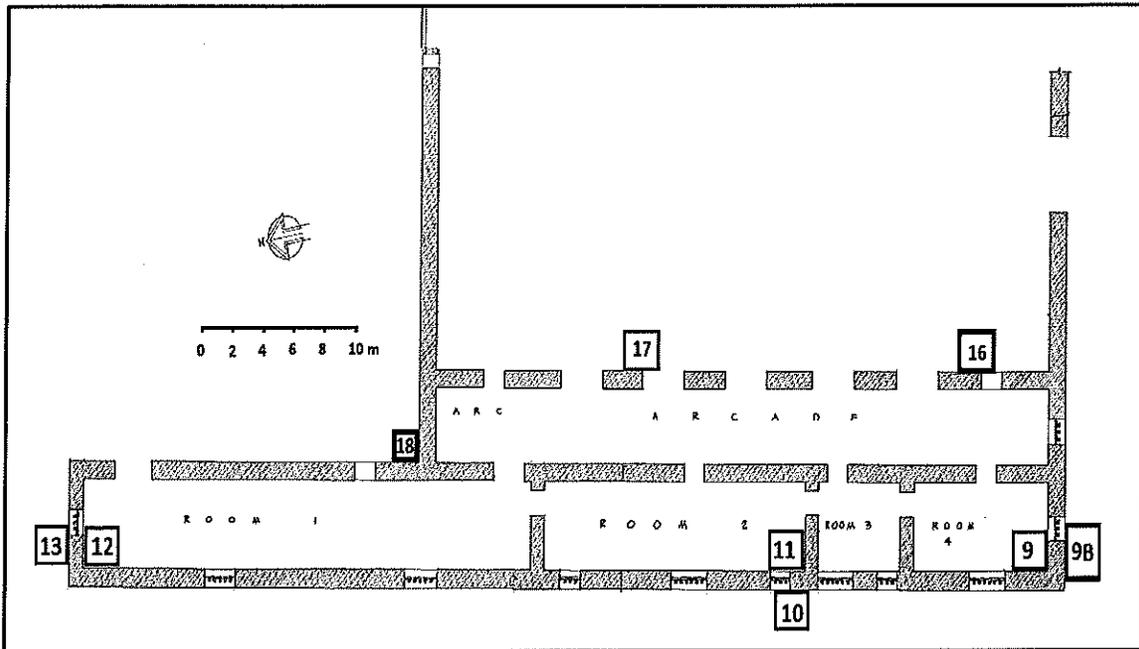
cc: George P. Bush, Commissioner, General Land Office
Douglass McDonald, CEO, Alamo Trust, Inc.

⁴ Charles Sadnick, Texas Historical Commission Quarterly Meeting on May 10, 2019, at 5:00 – 5:31. Recording available online at https://txhistory-my.sharepoint.com/personal/estherb_the_texas_gov/Documents/Forms/All.aspx?cid=a4b83d8e%2D05e4%2D49c4%2D95b9%2D6b481a8905e2&RootFolder=%2Fpersonal%2Festherb%5Fthc%5Ftexas%5Fgov%2FDocuments%2FTHC%20Commission%20mtg%5FMay%2010%2C%202019&FolderCTID=0x012000324EA0D06F120A478A071990F84C3EA2.

Attachment A



Attachment B



Attachment C

Emily Dylla

From: Kristi Nichols <knichols@thealamo.org>
Sent: Wednesday, December 04, 2019 3:54 PM
To: Bryant Celestne; holly@mathpo.org; Tamara Francis; Brown, Lauren; Rick West; Ted Isham
Cc: Douglass W. McDonald; Emily Dylla; Jillian Bliss; Rhea Roberts (CMO); Steve Tomka (stomka@rkci.com)
Subject: Alamo Church Excavations Notice
Attachments: Church and Long Barrack Investigations.jpg

CAUTION: External Email – This email originated from outside the THC email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon all,

Yesterday, the bioarchaeologists and lead archaeologists from Raba Kistner had a discussion about some of the finds inadvertently discovered in units being excavated within the Church. Please see attached map to reference the location of the units discussed.

Prior to the holiday break, staining was noted in Excavation Unit 5, located on the left (north) side of the Nave, as the level between 80 and 90 cm below datum was being excavated. Archaeologists determined it appropriate to continue work to see if the staining could be delineated, as it appeared faintly on only one side of the unit. Further excavations, brushing, and examination indicated there appeared to be another faint stain on the opposite side of the unit, creating an east-west running feature. Between the two stains, portions of two femurs were exposed. The femurs are facing in opposite directions within the stain, in a manner that would look like someone doing the spits. Along the sides of the stain, there appears to be an alignment of nails. Some of the nails uncovered are corroded and some exhibit some wood fragments. Mapping the location of the nails combined with the thin stains on the two sides of the unit has the bioarchaeologists believing that we may have uncovered remnants of a possible coffin. No further excavations in this unit are planned at this point. The archaeologists seek to gather as much information as possible to confirm whether the discovery represents a coffin. At this time, the recommendation is to treat the placement of the find as intentional, although there are still quite a few questions that would be helpful to answer. Other than the femurs, there does not appear to be other associated bones within the confines of the stains at this point. The bioarchaeologists' opinion is the feature is intentional leads to the implication that we may be dealing with a possible burial. The protocols set forth in the document will inform the next steps in the process as designations are filed and plans are developed.

In addition to the possible coffin feature, excavations in Unit 4, located on the right side of the Nave, encountered a concentration of human bones. Part of a small skull was initially uncovered in the upper portion of Level 3 (40-50 cm below datum) in the southeast corner of the unit. At that time, there did not appear to be other remains associated with the small skull. Similar to what had been seen in EU-5, the upper layers of the unit have mixed soils, with glass, metal, construction material (including asphalt), and faunal bone coming from the same levels as scattered human bones. Work continued to finish the level. Additional remains were uncovered in the vicinity of the small skull. During mapping at the end of the level excavation, the bioarchaeologist spent time examining the concentration of the bones near the skull and has come to the determination that the concentration likely represents one individual; a sub-adult (infant or toddler) of unknown sex or ethnicity. The concentration is not articulated. The bioarchaeologist suspects this represents a burial that was uncovered at some point prior to the installation of the current flagstone floor (1936) and possibly collected and moved to the current location. At this point, we are making the assumption that the majority of the individual is represented in this concentration, although it remains *in situ* and only a portion of the concentration is

exposed. The remainder of the unit still appears to exhibit the scattered human bone fragments mixed into the dirt. The bioarchaeologists recommend this a disarticulated burial, original location unknown. Similar to the find in Unit 5, the protocol set forth in the human remains treatment plan will inform the next steps. No further excavations are planned in this unit for now.

Lastly, excavations in Unit 6 have uncovered an unusual feature that contains human remains. The unit has been excavated to a depth 110 cm below datum (Level 8). During the excavation of the first level, two scattered human bones were noted in soils that appeared to be fill, similar to that seen in Excavation Unit 5. After consulting with all necessary parties, excavations continued in attempt to determine the nature of the remains. A few scattered human bone fragments were recovered from the next level. No other remains had been encountered during the excavation of the next 6 levels. A compacted caliche surface was uncovered in the bottom of Level 2. The caliche surface exhibited several holes that cut through the compacted floor. Initially, the archaeologists removed the matrix from within the holes prior to removing the compacted surface. There was a distinct difference in texture between the fill in the holes, and the intact soils around the holes. With the exception of one, the bottom of all holes were found prior to removing the caliche floor. One extended beyond reach. The contents of the holes consisted of faunal bone, some glass, ceramic, and metal, but ultimately few artifacts and no identifiable human bones. The soil of the holes matched the fill material that was present on top of the compacted surface. The reason for the holes is unknown. They do not appear to be post holes related to structures. They also do not appear to be rodent holes as the contents did not increase in cultural material content as one would expect, and there was no observable tunnel system. These holes were cut through a caliche surface that appears at the base of the wall, representing a floor surface that could date to when the room was enclosed, as early maps of the mission show this as a patio.

As the floor was removed and the excavations continued deeper, no human bones were found in the soils. It was observed that the hole that extended beyond reach continued at slight angle. As the excavations continued to 110 cm below datum, the soils outside of the hole consisted of dark brown clay with rabdotus snail shell a few lithic flakes, indicating natural soils that were near the culturally sterile zone. At the start of Level 9 (110-120 cm below datum), the archaeologists moved to remove the soils from inside the hole. At 120 cm below datum, the archaeologists uncovered a portion of a human mandible, a couple incisors, and a fragment of a femoral head within the hole. The hole does not appear to measure more than 30 cm across. All work stopped in this unit until further communication. The bioarchaeologists have many questions about the nature of the remains and feel some further exploratory excavations may be needed to determine what the hole represents, whether the hole and the remains are related, whether this was a purposeful burial, and if so, what time period it represents. The archaeologists have recommended continuing with exploratory excavations within Unit 6 to gather information concerning the nature of the deposit.



Compacted caliche floor with holes in Excavation Unit 6.



Completion of Level 7 (90-100 cm below datum) showing portion of the hole/void still present, but dark soils in most of unit.

As we move forward, the GLO will prepare the appropriate paperwork for a cemetery designation in relation to the finds in EU 4 and EU 5. We will need to enter into a discussion with the historic architects, the archaeologists, GLO, THC, ATI and the AMAAC to determine what are the next steps. I intend to keep in close communication with you over the next few days and couple weeks as the process unfolds.

Attachment D

TEXAS HISTORICAL COMMISSION
real places telling real stories

June 3, 2019

The Honorable George P. Bush
Commissioner, The Texas General Land Office
PO Box 12873
Austin, TX 78711-2873

Re: Historic Texas Cemetery Designation for THC Cemetery No. BX-C299

Dear Commissioner Bush:

The purpose of this letter is to inform you that the Texas Historical Commission has received and considered Historic Texas Cemetery designation applications for the cemetery referenced above, including the application prepared on behalf of your agency. At the Texas Historical Commission's quarterly meeting held on May 10, 2019, the commission approved the following:

Pursuant to Texas Administrative Code Title 13, Part 2, Chapter 22, Rule 22.6 Historic Texas Cemeteries, move to direct staff to proceed with the designation of a Historic Texas Cemetery within the area of a rectangle bounded by a line running from a point at the southwest corner of E. Houston Street and Alamo Plaza, then running along the west side of Alamo Plaza to a point where it would intersect with the alignment of E. Crockett Street, then running east along the north side of E. Crockett Street to a point where it would intersect with a straight line adjacent to the rear wall of the Alamo Chapel, then running along that line north to a point on the south side of Houston Street, and then running along the south side of Houston Street to the point of beginning.

This designation is not intended to affect the allowed uses of this property, and does not constitute the designation of an Unknown or Abandoned Cemetery under the Health and Safety Code. It is an acknowledgement that, based on archival information only and in the absence of any visible evidence on the surface or any evidence of intact human remains outside of the perimeter of the Alamo Chapel, the area described is deemed worthy of recognition as a Historic Texas Cemetery under Commission Rule 22.6.

We are notifying you because the State of Texas is owner of property located within and adjacent to the boundaries of this designation. To facilitate the completion of this designation, the Texas Historical Commission will provide the applicants with a Declaration of Dedication, along with the enclosed Exhibit A, to file in the official public records of the Bexar County Clerk.

Please feel free to contact me with any questions regarding this designation.

Sincerely,



Mark Wolfe
Executive Director

cc: Raymond Hernandez, Vice President, San Antonio Missions Cemetery Association (applicant)
✓ Jeff Gordon, General Counsel, Texas General Land Office (applicant)
Dr. Felix Almaraz, Chair, Bexar County Historical Commission

Enclosure (1)



TEXAS HISTORICAL COMMISSION
real places telling real stories

June 3, 2019

The Honorable Ron Nirenberg
Mayor of the City of San Antonio
P.O. Box 839966
San Antonio, TX 78283

Re: Historic Texas Cemetery Designation for THC Cemetery No. BX-C299

Dear Mayor Nirenberg:

The purpose of this letter is to inform you that the Texas Historical Commission has received and considered Historic Texas Cemetery designation applications for the cemetery referenced above. At the Texas Historical Commission's quarterly meeting held on May 10, 2019, the commission approved the following:

Pursuant to Texas Administrative Code Title 13, Part 2, Chapter 22, Rule 22.6 Historic Texas Cemeteries, move to direct staff to proceed with the designation of a Historic Texas Cemetery within the area of a rectangle bounded by a line running from a point at the southwest corner of E. Houston Street and Alamo Plaza, then running along the west side of Alamo Plaza to a point where it would intersect with the alignment of E. Crockett Street, then running east along the north side of E. Crockett Street to a point where it would intersect with a straight line adjacent to the rear wall of the Alamo Chapel, then running along that line north to a point on the south side of Houston Street, and then running along the south side of Houston Street to the point of beginning.

This designation is not intended to affect the allowed uses of this property, and does not constitute the designation of an Unknown or Abandoned Cemetery under the Health and Safety Code. It is an acknowledgement that, based on archival information only and in the absence of any visible evidence on the surface or any evidence of intact human remains outside of the perimeter of the Alamo Chapel, the area described is deemed worthy of recognition as a Historic Texas Cemetery under Commission Rule 22.6.

We are notifying you because the City of San Antonio is owner of property located within the boundaries of this designation. To facilitate the completion of this designation, the Texas Historical Commission will provide the applicants with a Declaration of Dedication, along with the enclosed Exhibit A, to file in the official public records of the Bexar County Clerk.

Please feel free to contact me with any questions regarding this designation.

Sincerely,



Mark Wolfe
Executive Director

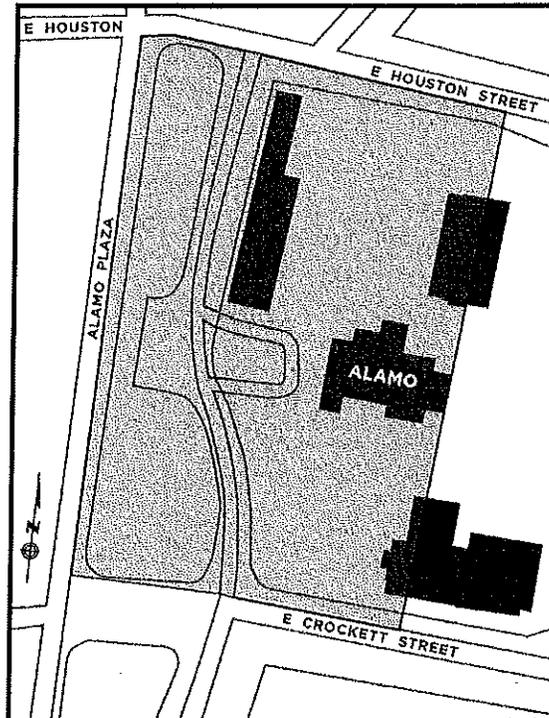
cc: Raymond Hernandez, Vice President, San Antonio Missions Cemetery Association (applicant)
✓ Jeff Gordon, General Counsel, Texas General Land Office (applicant)
Dr. Felix Almaraz, Chair, Bexar County Historical Commission

Enclosure (1)



EXHIBIT A

THC Cemetery No. BX-C299
Located in the San Antonio Town Tract, Abstract 20,
Bexar County, Texas



0 1 2 3 4 5 6 7 8 9
10 11 12 13 14 15 16 17 18 19
20 21 22 23 24 25 26 27 28 29
30 31 32 33 34 35 36 37 38 39
40 41 42 43 44 45 46 47 48 49
50 51 52 53 54 55 56 57 58 59
60 61 62 63 64 65 66 67 68 69
70 71 72 73 74 75 76 77 78 79
80 81 82 83 84 85 86 87 88 89
90 91 92 93 94 95 96 97 98 99

The Texas Historical Commission recognizes a Historic Texas Cemetery within the area of a rectangle bounded by a line running from a point at the southwest corner of E. Houston Street and Alamo Plaza, then running along the west side of Alamo Plaza to a point where it would intersect with the alignment of E. Crockett Street, then running east along the north side of E. Crockett Street to a point where it would intersect with a straight line adjacent to the rear wall of the Alamo Chapel, then running along that line north to a point on the south side of Houston Street, and then running along the south side of Houston Street to the point of beginning. [See map above.]

This designation is not intended to affect the allowed uses of this property and does not constitute the designation of an Unknown or Abandoned Cemetery under the Health and Safety Code. It is an acknowledgement that, based on archival information only and in the absence of any visible evidence on the surface or any evidence of intact human remains outside of the perimeter of the Alamo Chapel, the area described is deemed worthy of recognition as a Historic Texas Cemetery under Commission Rule 22.6.

TAB 3.B

TEXAS HISTORICAL COMMISSION

Item 3.B
Texas Historical Commission
Quarterly Meeting
May 12, 2020

Discussion and possible action on Alamo unverified cemetery notice submitted by Lee Spencer White

Background:

A Notice of Unverified Cemetery was filed by Lee Spencer White of the Alamo Defenders Descendent Association (ADDA) on December 4, 2019, for the Mission San Antonio de Valero (Alamo Cemetery), amending the previous May 9, 2019 application with the addition of new information. The application encompasses the area of approximately 10.1 acres inside the walls of the 1836 Alamo compound in downtown San Antonio, Texas (see map provided with notice). The notice pertains to properties bounded roughly by N. Alamo Street, E. Travis Street, Avenue E, 3rd Street, E. Houston Street, Bonham Street, and E. Crockett Street. The notice also includes a listing of current landowners, each of whom also received a copy of the notice, in accordance with Health and Safety Code §711.0111.

As evidence, the ADDA cites various archival documents relating to the Spanish Colonial (1707-1783), Siege of Bexar (1835), Battle of the Alamo (1836), and U. S. military (1840s) periods, newspaper accounts (dating from 1883, 1908, and 1930s), as well as an archeological report of investigations [Jack D. Eaton, *Excavations at the Alamo (Mission de Valero)*, UTSA Center for Archaeological Research, 1980] conducted in 1979 for the reconstruction of the north wall of the Alamo complex. In the amended notice, they have included information regarding the identification of intact interments during recent excavations (Antiquities Permit 8713) in the Alamo Church as further proof of the existence of an unverified cemetery.

In accordance with Health & Safety Code 711.0111, ADDA filed a Notice of Unverified Cemetery concurrently with the THC and the landowners on record in the appraisal district. The Texas Administrative Code [Title 13, Part 2, Chapter 25, §25.9 (a)] states, “*The commission shall evaluate the notice and the evidence submitted with the notice, and consider the response of the landowner, if any is received not later than the 30th day after notice, and shall determine whether there is sufficient evidence to support the claim of the existence of a cemetery. If the commission determines that sufficient evidence supports the existence of a cemetery, the commission shall notify the landowner and may file notice of the existence of a cemetery under §711.011 of the Health & Safety Code.*” On March 5, 2020, Mark Haven, GLO, responded to the ADDA notice requesting that the notice be denied as the area designated is overly broad and does not include substantive new information on the existence of burials within the majority of the area, only the Alamo Church.

In assessing the evidence presented in the notice, the presence of human burial interments within the walls of the Alamo Church demonstrates archeological confirmation of the use of the Church as the location of a cemetery and has been verified, as required, by a professional archeologist as defined in §711.0105 of the Health & Safety Code. The results of archeological excavations outside of the structure support the interpretation that the extent of Alamo Church cemetery is confined to the structure, with no evidence of burials outside. Regarding applicability of the unverified cemetery designation to the entire Alamo complex (as defined by the 1836 walls), staff concurs with the previous decision by the Commission to deny the application in response to the May 2019 ADDA Notice of Unverified Cemetery. Staff agree that the historic record and archeology indicate that some areas within the Alamo complex were used as burial grounds during the mission period and after the 1835 and 1836 battles, but current archeological evidence only conclusively shows the existence of extant burials within the confines of the Alamo

Church or in areas where previous discoveries of actual burials were removed and buried elsewhere in the city. Some of the cited reports, including those in newspapers, lack sufficient information to determine if the discovered remains were left in place. Outside of these previously investigated areas the existence of the location of additional cemeteries has not been verified, the extent of such burials has not been confirmed, and the inclusion of all property in between these areas of probability cannot be justified at this time. Therefore, it is the opinion of the THC staff although there are verified burials within the Alamo Church, sufficient evidence does not support the existence of a cemetery for the entirety of the areas covered by the notice.

Suggested motions:

Motion A:

Move that the committee send forward to the Commission and recommend that the evidence provided in the Notice of Unverified Cemetery submitted by the ADDA as well as responses to the notice are not sufficient to support the existence of a cemetery for the area described in the notice.

From: Jenny McWilliams
Sent: Thursday, January 9, 2020 12:43 PM
To: Charles Sadnick <Charles.Sadnick@thc.texas.gov>; Carlyn Hammons <Carlyn.Hammons@thc.texas.gov>
Subject: Fwd: Alamo Defenders Descendants Association- Unverified Cemetery designation

Begin forwarded message:

From: "lee white" <alamo.lee@yahoo.com>
To: "alamo.lee@yahoo.com" <alamo.lee@yahoo.com>, "Donna McCarver" <Donna.McCarver@thc.texas.gov>, "Bill Martin" <Bill.Martin@thc.texas.gov>, "Jenny McWilliams" <Jenny.McWilliams@thc.texas.gov>
Subject: Alamo Defenders Descendants Association- Unverified Cemetery designation

CAUTION: External Email – This email originated from outside the THC email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Bruseth or whom it concerns,

July 2019, the Alamo Defenders Descendants Association, were asked to return and submit additional burial evidence at the Alamo.
I'm asking to be placed on the January 2020 Agenda to be heard concerning the latest evidence which I have attached. Please review our original application for Unverified Cemetery at the Alamo. The application evidence refers to the well know 1847 United States Army report of finding several skeleton and partial skeletons.
BTW the reports are on the Alamo.org site.
Note: attached excavation report indicate likely coffin and nails which matches the United States army reports of Everett and Babbit. It's well known that early Catholics and Native Americans were buried in shrouds not coffins. We request you add this information to our original application and grant the Alamo 1836 footprint unverified or abandoned cemetery status.
Please let me know if I need to mail the above as I've mailed it to Mr. Mark Wolfe.

Please review the attachments

Respectfully,

Lee Spencer White
Alamo Defenders Descendants Association
361 701 0609
Alamo.lee@yahoo.com
1200 Big Bend
Fredericksburg, Texas 78624

Instructions for Filing Notice of Unverified Cemetery to the Texas Historical Commission

On September 1, 2017, Section 711.0111 of the Texas Health and Safety Code was amended to include a process for the Texas Historical Commission (THC) to review evidence of unverified cemeteries.

An **unverified cemetery** is defined as “a location having some evidence of interment but in which the presence of one or more unmarked graves has not been verified by the Texas Historical Commission or a person described by Section 711.0105 (a) a cemetery keeper, a licensed funeral director, a medical examiner, a coroner, or a professional archeologist.

Sec. 711.0111. NOTICE OF UNVERIFIED CEMETERY. (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.

(b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

(c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.

(d) If the Texas Historical Commission determines that there is sufficient evidence that a cemetery exists, the Texas Historical Commission shall file notice of the existence of the cemetery under the provisions of Section 711.0111.

Checklist for filing notice with the Texas Historical Commission

Please submit notice of an unverified cemetery to the Texas Historical Commission and concurrently to the landowner on record and include the following information. See Example Letter, attached.

- Provide your contact information including mailing address, email address, and additional contact information (phone number and/or email address).
- Provide the current landowner's name and mailing address, as listed in the county appraisal district of the county in which the unverified cemetery is located. If known, provide any additional contact information that you may have (phone number and/or email address).
- Provide driving directions from the nearest community, including mileage and/or the 911 address for the unverified cemetery, if known, and GPS coordinates (i.e., 34.26758 - 95.123654), if known.
- Provide the legal description for the land occupied by the unverified cemetery (provide survey and abstract numbers and a description). This may be found in the county appraisal district of the county in which the unverified cemetery is located.
- Provide a listing of evidence: Physical elements might include potential graves marked only by stone, burial depressions, evidence resulting from inadvertent excavations, fencing, and/or commonly used grave plantings (iris, crepe myrtle). Documentary evidence might include a deed, family or community history, oral history, etc.
- Attach several location maps, which may include an **annotated** aerial image (Google map), a portion of USGS topographic map, and/or a hand drawn map, etc. Map(s) may be annotated to provide extent of evidence or alleged location of the cemetery.
- Attach other evidence such deeds, photographs, historic map(s), oral history transcription, etc.
- Attach a copy of the landowner letter (see sample, attached).

Mail the notice to the landowner and concurrently to the Texas Historical Commission at:

Pat Mercado-Allinger
Archeology Division
Texas Historical Commission
PO Box 12276
Austin, TX 78711-2276

Email: archeology@thc.texas.gov

For more information, call THC's Archeology
Program at 512. 463.6096
or
the [Archeological Reviewer for your region](#)

FORM - NOTICE OF UNVERIFIED CEMETERY

Submitted to the Texas Historical Commission

Your contact information

Your Name: Lee Spencer White

Your Address 1200 Big Bend

Your City, State, Zip Fredericksburg, TX 78624

Other contact information: (361) 701-0609 alamo.lee@hotmail.com

Current landowner's contact information

State of Texas

PO Box 29928

Austin, TX 78229-0928

General Land Office

1700 N. Congress Ave., 8th Floor

Austin, TX 78701

City of San Antonio

100 Military Plaza

San Antonio, TX 78205

TCW Boardwalk Properties LTD & TCW Gulfdale 10821 Properties LTD

4040 Broadway St., Suite 315

San Antonio, TX 78209-6375

State of Texas

PO Box 2599

Austin, TX 78229-2599

Carolyn E W Rodriguez

Nora LW Curran

205 Cloverleaf Ave.

San Antonio, TX 78209-3820

Emily Morgan LLC

5847 San Felipe St., Ste 4650

Houston, TX 77057-3277

TCW Third Street Properties & TCW Management LLC

4040 Broadway St., Suite 315

San Antonio, TX 78209-6375

United States Government

Union Square Bldg

10101 Reunion Pl.
San Antonio, TX 78216-4160

The Cemetery is located (describe the location, including GPS information, if available):

The cemetery includes the area inside the walls of the San Antonio de Valero Mission (the Alamo) at the time of the Siege of Bexar (1835) and the Battle of the Alamo (1836).

Physical Address of cemetery: 300 Alamo Plaza, San Antonio, Texas 78205

Driving directions to cemetery from the nearest town: Drive south on IH-35 from New Braunfels, Texas. At exit 158B, take ramp right onto I-37. At exit 141A off I-37, take ramp right toward Commerce St/Downtown. Turn right onto E. Commerce Street, then turn right onto Alamo Plaza.

GPS Coordinates: 29.4260° N , 98.4861° W

The legal description for the land occupied by the Cemetery is (provide survey and abstract numbers and a description):

NCB 115 BLK LOT ALL OF BLK & P-100(.209AC)
NCB 425 Blk 23, Lot 7,9,11,13,15,16 & S IRR PT of 5
NCB 424 Blk 22 Lot 2 & Alley
-1030 BCAD Alamo Plaza
NCB 424 Blk 22 Lot 3 EXC S 32.37 ft of E IRR 5.43
NCB 424 Blk 22 Lot SE IRR 7.69 of 4 & P-101
NCB 552 Blk Lot A6, A8 & A9
NCB 424 Blk 22 Lot S 50 ft of W23 ft of 1
NCB 424 Blk 22 Lot S 45.8 ft of 4
NCB 424 Blk 22 P-100
NCB 424 Blk 22 Lot N IRR 27.04' of 4
NCB 424 22 Lot E IRR 25.8 ft of 1
NCB 552 Lot A7 & S E IRR 9.5 ft of 3

Abstract No. 5053 from original title, but cemetery exists prior to the Republic of Texas and encompasses the area inside the walls of the 1836 Alamo compound.

Provide a list of evidence:

Evidence of a cemetery at San Antonio de Valero Mission is extensive and includes 1377 burials noted in the Alamo Book of Burials that was compiled by the missionary friars of Mission San Antonio de Valero between 1707 and 1783. (See John Ogden Leal, *Burials of Mission San Francisco de Solano, San Antonio de Valero [The Alamo], 1703-1782*, San Antonio: 1978). These mission-era burials were conducted inside the Mission chapel and outside. Several colonial maps show the location of the Mission Valero cemetery, including the Menchaca map of 1764 (See <https://jcb.lunaimaging.com/luna/servlet/detail/JCBMAPS~1~1~1071~101670002:Mapa-d-e-l-Presidio-d-e--San-Antoni>) . The Mission Valero records at Our Lady of the Lake University includes a 1746 document where the mission friars are debating locations for non-baptized Indians, the conclusion is that they must be buried outside the mission complex. (See Iruegas, Sergio and Melinda, *Overview Report Mission San Antonio de Valero Historic Texas Cemetery Designation Application Supporting Documentation Bexar County, Texas*, San Antonio: 2019). This is direct proof of burials outside the mission walls. The basis of this application incorporates the Mission era cemeteries, but also includes the burials of soldiers who died following the Siege of Bexar and during the Battle of the Alamo but prior to its taking by the Mexican Army. Following the Siege of Bexar a hospital for the wounded was established at the

Alamo compound by Chief Surgeon Amos Pollard. (See Amos Pollard, <https://tshaonline.org/handbook/online/articles/fpo08>). Fourteen Texans were reported in the hospital prior to the Battle of the Alamo, of these two were mortally wounded, Lt. John Cook and George Alexander. Seven more were listed as dangerously wounded, 11 as severely wounded and three as slightly wounded. (See *List of the Wounded During the Storm of Bexar, December 5 – 10, 1835*, Texas State Library and Archives Commission, <http://tsl.texas.gov/treasures/bexar/republic/wounded.html>) . Pollard died defending the hospital and its wounded soldiers during the Battle of the Alamo. The wounded and sick men were hospitalized in what today is called the Long Barracks. Those who died were buried at an unknown location within the compound. Several men died while under siege during the battle of the Alamo from disease and other causes as indicated on the *List of the Wounded During the Storm of Bexar, December 5 – 10, 1835* previously cited. They were buried inside the compound in an unknown location. Edward Everett, who served as a clerk in the United States Army's Quartermaster Department in 1847 recalled in his memoirs discovering bodies of the Alamo defenders when the Chapel was cleared of debris, "we had debris cleared away from the interior [of the Alamo Chapel] in which process several skeletons and other relics of the siege were found." (See Edward Everett, "A Narrative of Military Experience and in Several Capacities", Transactions of the Historical Society of Quincy, Illinois, 1905.)

In 1979, Ann Fox conducted excavations for the reconstruction of the north wall of the Alamo complex. The excavation encountered a human skull that was posited to be from a Battle of the Alamo participant because it was found "within the fill of the defense trench." (See Jack D. Eaton, *Excavations at the Alamo Shrine (Mission San Antonio de Valero)*, UTSA Center for Archeological Research: 1980) Several other discoveries of Alamo defenders have occurred over the years. Among the earliest is a newspaper article entitled "David Crockett's Skeleton" dated September 17, 1883, claiming "The bones were dug up from the Alamo by a laborer." The exact location is not stated. Another newspaper articles entitled "Human Bones of Alamo Defenders Unearthed", dated June 26, 1908 from the *El Paso Herald* states, "A number of bones which are believed to be parts of the skeletons of heroes who found for Texas independence during the struggle at the Alamo, have been unearthed on the site of the artesian well which colonel C.C. Gibbs is having drilled on Avenue D, opposite the post-office." An Austin American article dated January 6, 1937 is entitled "D.A.R. Goes into Session after Bones of Defenders of Alamo are Unearthed." The article states that "Workman discovered the remains while excavating in the Alamo grounds. The bones, including a hip joint, several arm and leg bones and part of three skulls, were recovered by Miss Ruth Small daughter of Mrs. Leita Small, custodian of the shrine."

Other such accounts include "Bones Found Near Wall of Alamo Believed Remains of Defender Who Lost Life in Siege 98 Years Ago" San Antonio Express (San Antonio, Texas), July 17, 1934; "Church to Rebury Post Office Bones" San Antonio Express News (San Antonio, TX), August 9, 1935; "Pioneer Says Bones Were Texas Heroes." San Antonio Express News (San Antonio, TX), February 18, 1936; "Alamo Yields Human Relics" R.O. Crist. San Antonio Light (San Antonio, Texas), January 5, 1937; "Researcher Speculates Skull Found Near Alamo Casualty of 1836 Battle" San Antonio Express News, September 1, 1935. Applicant does not assert the validity of all of these claims, these accounts are clear evidence that remains of Alamo defenders have been uncovered within the Alamo compound footprint of 1836 and were distinguished by their discoverers from indigenous and colonial remains by the associated funerary items and clothing. The applicant claims all the area inside the Alamo compound during the 1836 battle as a cemetery for those Alamo Defenders who died and were buried prior to the taking of the Alamo by the Mexican Army. The applicant also includes the Alamo Chapel and the mission-era cemeteries both inside and outside of the compound walls.

This Notice signed and executed on the April day of 6th, 2019.

Lee Spencer White
(signature)

Lee Spencer White
(printed name)

1200 Big Bend Fredericksburg Tx
(address) 78624

THE STATE OF TEXAS

§

COUNTY OF Bexar

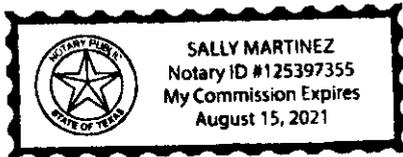
§

§

This instrument was acknowledged before me on the 6th day of April, 2019,

by Sally Martinez

Sally Martinez
Notary Public, State of Texas



D.A.R. Goes Into Session After Bones Of Defenders of Alamo Are Unearthed

By the United Press

SAN ANTONIO, Jan. 5.—Human bones, believed to be the remains of three Texans killed in defense of the Alamo in 1836, were unearthed Tuesday during rehabilitation work at the ancient chapel.

A meeting of the Alamo committee of the Daughters of the Republic of Texas was called immediately. The committee will attempt to establish identity of the remains and decide what disposition will be made of them.

The discovery was significant to Texas history in that not all of the bodies of the Alamo heroes were recovered and burned after their massacre by Mexican troops under Gen. Santa Anna. Many of them were interred in San Fernando cathedral.

Workmen discovered the remains while excavating in the Alamo grounds. The bones, including a hip joint, several arm and leg bones and parts of three skulls, were recovered by Miss Ruth Small,

daughter of Mrs. Leita Small, custodian of the shrine.

Two theories were developed regarding finding of the remains. One explanation was that the men fell early in the siege of the Alamo and their bodies were buried on the grounds during the battle. Some believed however, that the bodies were discovered after interment of the other soldiers and were buried on the spot.

a box of monkeys. Jennie Jenks asked her brother Johnny if he had rode on the Merry-Go-Round, and Johnny said No; he'd rather ride on the flying jenny.

"Oh, it was great. All that a kid had to do was to flash a Herald coupon and the man would grin and say: 'All right, son; go on and have a good time.' The thing lasted all the afternoon yesterday clear up till 11 o'clock last night, and a lot of the kids didn't want to go home then, but the folks out there stopped their slides and things, and then there was nothing else to do.

"They are going to do it all over this afternoon and tonight, and if there's a feller or a girl in El Paso that won't be there, it'll be because they can't get a copy of the Herald to cut a coupon out of."

HUMAN BONES OF ALAMO DEFENDERS UNEARTHED.

San Antonio, Tex., June 26.—A num-

ber of bones which are believed to be parts of the skeletons of heroes who fought for Texas independence during the struggle at the Alamo, have been unearthed on the site of the artesian well which colonel C. C. Gibbs is having drilled on Avenue D, opposite the post-office.

The fact that on this site much of the activity that marked those stirring times took place is regarded as sufficient cause to believe that these are what is left of the skeletons of those heroes who met death here in that bloody encounter.

SAN ANTONIO IS PAYING COMMISSION POLICE.

San Antonio, Tex., June 26.—The members of the police force and fire department who served under the commission and were discharged when mayor Callaghan stepped into office, four years ago, are now receiving their salaries that have been due since that time. The police and fire commission was inaugurated

Half-Cremated Bodies Will Rest Beneath Busy Garage Floor

HUMAN bones that may be those of the Texas heroes who sacrificed their lives in 1836, or those of early Indian converts that formerly lived within the walls of the early mission of San Antonio de Valera, the chapel of which is now known as the Alamo, have been unearthed in excavations being made for an automobile garage on the corner of Alamo Plaza and Crockett Street. Since only a few of the bones were excavated and the graves were filled up and allowed to remain as they were found, it is possible that within a short time the spot that may have been the last resting place of the half-cremated remains of the Texans will be sealed forever underneath the cement floor of a busy garage.

The bones, together with a well about 22 feet deep, were found on the site of the garage being erected by Wright and Saunders for Joseph Courand. The graves are about 200 feet south of the south wall of the Alamo. Whether they are the resting place of the Texans or of Indian converts cannot be determined until physicians made a study of the bones. In the meantime the graves have been refilled and work of erecting a modern garage is going on.

FOUR GRAVES FOUND BY WORKMEN

Workmen are making shallow excavations for a cement floor for the garage building. At a depth of about 18 inches scattered human bones were found. An opening in the ground was next found, and upon further investigation a grave containing human bones was discovered, according to A. A. Holden, foreman. Mr. Holden himself made the excavation of the

again. Some of the bones were laid aside, but most of them were thrown out with the earth and hauled away. An effort is being made to have physicians examine the bones and give their decision as to what people they belonged—whether Indian or American.

Among those disinterred were a jawbone with some of the teeth still in a fair state of preservation, several bones from the upper arm, several from the hand, including what seem to be finger bones and parts of the pelvic bones. All of them are apt to crumble with handling. Mr. Holden said that there were a number of them which were mere clay forms which fell apart with the earth when the excavation was made.

BODIES DRAGGED OUT OF ALAMO AFTER FALL

Belief that these bones may be those of the heroes of the Alamo is founded on the fact that history says that after the fall

Discovery of Bones in Alamo Excites Interest

SAN ANTONIO, July 19—(NS)—Fragments of human bones which may be the last mortal remains of one of the defenders of the Alamo have been discovered buried near the historic building by workers who are renovating the Texas shrine. The bones were found under a flagstone alongside the old convent.

ordnance property and medicine stores, storage houses, blacksmiths, carpenters, wagon makers, harness and other workshops, also stabling and mule yards. Besides these, a convenient office and quarters for Captain Ralston, and myself and other clerks were fitted up.

The lumber for the roofs, floors, etc., of Southern pine, shingles, etc., was obtained from Bastrop, and hauled from there a distance of about one hundred miles, timber suitable for the purpose not being obtainable nearer. The ruinous portions of the walls were repaired, and the old plaster or concrete roofs removed, in which operations many thousands of bats were unceremoniously evicted, and rendered homeless, and from that time each was dependant for a lodging literally on his own hook.

The buildings thus remodelled, extended (see plan) from the corner next to the church, along the east line of the quadrangle, a length of about two hundred feet. They averaged about eighteen to twenty feet wide outside and twelve to eighteen inside. The height of the walls was twenty feet and over, so that in parts we put in floors midway. The office was in the south end, and Captain Ralston had a room round the corner. They were fitted up with rough tables, stools and cot bedsteads. These quarters being elevated one story above the ground, and having plastered walls, glass windows and a wooden floor, were a vast improvement on those we before occupied.

I can present nothing new regarding the history of the Alamo, but can only give the account of the condition in which we found it in 1846-47, and subsequent developments on clearing away the debris of the fallen walls and roofs. There was no pretensions to ornamental architecture except in the facade of the church, and portions of its interior. Such of the other buildings as remained, having the usual thick and roughly-built stone walls, and heavy plaster roofs. These we rebuilt and adapted to our purposes without remorse, but the church we respected as an historical relic — and as such its characteristics were not marred by us. We had the debris cleared away from the interior, in which process several skeletons and other relics of the siege were found. I regret to see by a late engraving of this ruin, that tasteless hands have evened off the rough walls, as they were left after the siege, surmounting them with a ridiculous scroll, giving the building the appearance of the headboard of a bedstead. The care thus shown, however questionable the taste of its execution, is highly commendable, when compared with the wanton destruction with which other curious buildings in the vicinity have been visited, by relic hunters, or other vandals and iconoclasts.

The keystone over the front entrance bore the date, 1758. Numerous shot holes, and the demolished roof, and probably towers, bore testimony to the severity of the bombardment; this part, from its stronger built walls, having been resorted to as the last stronghold of the devoted band. On either side of the entrance was a small vaulted room, having each a small window opening to the front. The roof had been of stone of a semicircular arch springing from the side

B. Crommelin
 F. Taylor
 G. Tomlinson
 Wm. Waters
 G. Wyatt
 R. Wolf
 J. Bartlett
 S. O. Connelley
 L. Ingram
 Wm. Minton
 L. Walker
 L. Shub
 L. Warrall
 W. Edwards

Capt
 Lt
 Sgt
 J. F. May
 James Dickin - do -
 Pvt. Croppen wounded
 R. B. Moore
 Wm. Spratt
 John Moran
 Saml. Holloway
 Wm. Bell
 A. W. Garand
 Stephen Dennison
 Wm. Lynn - taken prisoner
 Wm. Howell
 W. J. Nelson, wounded
 Dick. Storr
 W. W. W. wounded

Mills. D. Andross, sick
 Wm. Thomas, wounded
 Wm. Marshall
 * S. W. Edwards
 G. A. Fassetts Captain
 Rev. White - Lieutenant
 W. A. Cewin Sgt
 Capt. Hobbs
 Wm. Parks
 Isaac Ryan
 Wm. Pickering
 A. Dewalt
 A. S. Sumerlin
 Wm. Hendrichs
 J. Harris
 Wm. L. G. Whit

H. B. Day
 * G. Washington
 * Mitchell
 * S. Sewell
 * David Daves
 G. W. Main, confined in hospital
 W. Walker, do do do
 J. Ward wounded
 Peacock - dead
 Floods, Capt
 W. Hage
 J. B. Goodrich
 G. Pagan
 * Jas. Nolan - wounded

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Recapitulation

Staff & Field Officers	10
Advanced Department	3
Artillery	54
Infantry	47
Total	<u>114</u>

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Lee Spencer White
President, Alamo Defenders Descendants Association
1200 Big Bend
Fredericksburg, TX 78624

State of Texas
PO Box 29928
Austin, TX 78229-0928

May 8, 2019

Re: Notice of Unverified Cemetery

Dear State of Texas,

Pursuant to the Texas Health and Safety Code Sec. 711.0111. **FILING RECORD OF UNVERIFIED CEMETERY:** (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.

(b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

(c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.

(d) If the Texas Historical Commission determines that there is sufficient evidence that a cemetery exists, the Texas Historical Commission shall file notice of the existence of the cemetery under the provisions of Section 711.0111.

Respectfully,

Lee Spencer White
President
Alamo Defenders Descendants Association

Emily Dylla

From: Kristi Nichols <knichols@thealamo.org>
Sent: Wednesday, December 04, 2019 3:54 PM
To: Bryant Celestne; holly@mathpo.org; Tamara Francis; Brown, Lauren; Rick West; Ted Isham
Cc: Douglass W. McDonald; Emily Dylla; Jillian Bliss; Rhea Roberts (CMO); Steve Tomka (stomka@rkci.com)
Subject: Alamo Church Excavations Notice
Attachments: Church and Long Barrack Investigations.jpg

CAUTION: External Email – This email originated from outside the THC email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon all,

Yesterday, the bioarchaeologists and lead archaeologists from Raba Kistner had a discussion about some of the finds inadvertently discovered in units being excavated within the Church. Please see attached map to reference the location of the units discussed.

Prior to the holiday break, staining was noted in Excavation Unit 5, located on the left (north) side of the Nave, as the level between 80 and 90 cm below datum was being excavated. Archaeologists determined it appropriate to continue work to see if the staining could be delineated, as it appeared faintly on only one side of the unit. Further excavations, brushing, and examination indicated there appeared to be another faint stain on the opposite side of the unit, creating an east-west running feature. Between the two stains, portions of two femurs were exposed. The femurs are facing in opposite directions within the stain, in a manner that would look like someone doing the spilts. Along the sides of the stain, there appears to be an alignment of nails. Some of the nails uncovered are corroded and some exhibit some wood fragments. Mapping the location of the nails combined with the thin stains on the two sides of the unit has the bioarchaeologists believing that we may have uncovered remnants of a possible coffin. No further excavations in this unit are planned at this point. The archaeologists seek to gather as much information as possible to confirm whether the discovery represents a coffin. At this time, the recommendation is to treat the placement of the find as intentional, although there are still quite a few questions that would be helpful to answer. Other than the femurs, there does not appear to be other associated bones within the confines of the stains at this point. The bioarchaeologists' opinion is the feature is intentional leads to the implication that we may be dealing with a possible burial. The protocols set forth in the document will inform the next steps in the process as designations are filed and plans are developed.

In addition to the possible coffin feature, excavations in Unit 4, located on the right side of the Nave, encountered a concentration of human bones. Part of a small skull was initially uncovered in the upper portion of Level 3 (40-50 cm below datum) in the southeast corner of the unit. At that time, there did not appear to be other remains associated with the small skull. Similar to what had been seen in EU-5, the upper layers of the unit have mixed soils, with glass, metal, construction material (including asphalt), and faunal bone coming from the same levels as scattered human bones. Work continued to finish the level. Additional remains were uncovered in the vicinity of the small skull. During mapping at the end of the level excavation, the bioarchaeologist spent time examining the concentration of the bones near the skull and has come to the determination that the concentration likely represents one individual; a sub-adult (infant or toddler) of unknown sex or ethnicity. The concentration is not articulated. The bioarchaeologist suspects this represents a burial that was uncovered at some point prior to the installation of the current flagstone floor (1936) and possibly collected and moved to the current location. At this point, we are making the assumption that the majority of the individual is represented in this concentration, although it remains *in situ* and only a portion of the concentration is

exposed. The remainder of the unit still appears to exhibit the scattered human bone fragments mixed into the dirt. The bioarchaeologists recommend this a disarticulated burial, original location unknown. Similar to the find in Unit 5, the protocol set forth in the human remains treatment plan will inform the next steps. No further excavations are planned in this unit for now.

Lastly, excavations in Unit 6 have uncovered an unusual feature that contains human remains. The unit has been excavated to a depth 110 cm below datum (Level 8). During the excavation of the first level, two scattered human bones were noted in soils that appeared to be fill, similar to that seen in Excavation Unit 5. After consulting with all necessary parties, excavations continued in attempt to determine the nature of the remains. A few scattered human bone fragments were recovered from the next level. No other remains had been encountered during the excavation of the next 6 levels. A compacted caliche surface was uncovered in the bottom of Level 2. The caliche surface exhibited several holes that cut through the compacted floor. Initially, the archaeologists removed the matrix from within the holes prior to removing the compacted surface. There was a distinct difference in texture between the fill in the holes, and the intact soils around the holes. With the exception of one, the bottom of all holes were found prior to removing the caliche floor. One extended beyond reach. The contents of the holes consisted of faunal bone, some glass, ceramic, and metal, but ultimately few artifacts and no identifiable human bones. The soil of the holes matched the fill material that was present on top of the compacted surface. The reason for the holes is unknown. They do not appear to be post holes related to structures. They also do not appear to be rodent holes as the contents did not increase in cultural material content as one would expect, and there was no observable tunnel system. These holes were cut through a caliche surface that appears at the base of the wall, representing a floor surface that could date to when the room was enclosed, as early maps of the mission show this as a patio.

As the floor was removed and the excavations continued deeper, no human bones were found in the soils. It was observed that the hole that extended beyond reach continued at slight angle. As the excavations continued to 110 cm below datum, the soils outside of the hole consisted of dark brown clay with raddotus snail shell a few lithic flakes, indicating natural soils that were near the culturally sterile zone. At the start of Level 9 (110-120 cm below datum), the archaeologists moved to remove the soils from inside the hole. At 120 cm below datum, the archaeologists uncovered a portion of a human mandible, a couple incisors, and a fragment of a femoral head within the hole. The hole does not appear to measure more than 30 cm across. All work stopped in this unit until further communication. The bioarchaeologists have many questions about the nature of the remains and feel some further exploratory excavations may be needed to determine what the hole represents, whether the hole and the remains are related, whether this was a purposeful burial, and if so, what time period it represents. The archaeologists have recommended continuing with exploratory excavations within Unit 6 to gather information concerning the nature of the deposit.



Compacted caliche floor with holes in Excavation Unit 6.



Completion of Level 7 (90-100 cm below datum) showing portion of the hole/void still present, but dark soils in most of unit.

As we move forward, the GLO will prepare the appropriate paperwork for a cemetery designation in relation to the finds in EU 4 and EU 5. We will need to enter into a discussion with the historic architects, the archaeologists, GLO, THC, ATI and the AMAAC to determine what are the next steps. I intend to keep in close communication with you over the next few days and couple weeks as the process unfolds.

Best,

Kristi Miller Nichols

Alamo Archaeologist & Collections Manager
Alamo Trust, Inc.

(210) 421-9752 mobile

(210) 225-1391 x5100 office

knichols@thealamo.org

321 Alamo Plaza, Ste. 200 | San Antonio, TX 78205

thealamo.org

TAB 3.C

TEXAS HISTORICAL COMMISSION

Item 3.C
Texas Historical Commission
Quarterly Meeting
May 12, 2020

Discussion and possible action on Alamo unverified cemetery notice submitted by Raymond Hernandez

Background:

A Notice of Unverified Cemetery was prepared by Raymond Hernandez and submitted on January 30, 2020. The application encompasses the entire area inside the walls of the 1836 Alamo compound in downtown San Antonio, Texas (see map provided with notice). Specifically, the notice pertains to the area described in the June 21st, 2019 Texas Historic Cemetery designation defined as “the area of a rectangle bounded by a line running from a point at the southwest corner of E. Houston Street and Alamo Plaza, then running along the west side of Alamo Plaza to a point where it would intersect with the alignment of E. Crockett Street, then running east along the north side of E. Crockett Street to a point where it would intersect with a straight line adjacent to the rear wall of the Alamo Church, then running along that line north to a point on the south side of Houston Street, and then running along the south side of Houston street to the point of beginning”. The notice also includes a listing of current landowners, each of whom also received a copy of the notice, in accordance with Health and Safety Code §711.0111.

As evidence, the Hernandez application cites various archival documents relating to the Spanish Colonial (1707-1783), Siege of Bexar (1835), Battle of the Alamo (1836), and U. S. military (1840s) periods, newspaper accounts (dating from 1883, 1908, and 1930s), as well as a report prepared by GTI summarizing the evidence for the presence of cemeteries at the site. Additionally, the THC’s designation of the site as a Historic Texas Cemetery and the GLO’s December 13, 2019 announcement of the identification of three intact burials uncovered during the current archeological investigations (Antiquities Permit 8713) in the church are used as supporting evidence for the existence of the unverified cemetery.

In accordance with Health & Safety Code 711.0111, Mr. Hernandez filed a Notice of Unverified Cemetery concurrently with the THC and the landowners on record in the appraisal district. The Texas Administrative Code [Title 13, Part 2, Chapter 25, §25.9 (a)] states, “*The commission shall evaluate the notice and the evidence submitted with the notice, and consider the response of the landowner, if any is received not later than the 30th day after notice, and shall determine whether there is sufficient evidence to support the claim of the existence of a cemetery. If the commission determines that sufficient evidence supports the existence of a cemetery, the commission shall notify the landowner and may file notice of the existence of a cemetery under §711.011 of the Health & Safety Code.*” On March 5, 2020, Mark Haven, GLO, responded to the Hernandez notice requesting that the notice be denied as the area designated is overly broad and does not include substantive new information on the existence of burials within the majority of the area, only the Alamo Church.

In assessing the evidence presented in the notice, the presence of human burial internments within the walls of the Alamo Church demonstrates archeological confirmation of the use of the church as the location of a cemetery and has been verified, as required, by a professional archeologist as defined in §711.0105 of the Health & Safety Code. The results of archeological excavations outside of the structure support the interpretation that the extent of Alamo Church cemetery is confined to the structure, with no evidence of burials outside. Regarding applicability of the unverified cemetery designation to the entire Alamo complex (as defined by the 1836 walls), staff concurs with the previous decision by the Commission to deny the application in response to the May 2019 ADDA Notice of Unverified Cemetery. Staff agree that the historic record and archeology indicate that some areas within the Alamo

complex were used as burial grounds during the mission period and after the 1835 and 1836 battles, but current archeological evidence only conclusively shows the existence of extant burials within the confines of the Alamo Church or in areas where previous discoveries of actual burials were removed and buried elsewhere in the city. Some of the cited reports, including those in newspapers, lack sufficient information to determine if the discovered remains were left in place. Outside of these previously investigated areas the existence of the location of additional cemeteries has not been verified, the extent of such burials has not been confirmed, and the inclusion of all property in between these areas of probability cannot be justified at this time. Therefore, it is the opinion of the THC staff that although there are verified burials within the Alamo Church, sufficient evidence does not support the existence of a cemetery for the entirety of the areas covered by the notice.

Suggested motions:

Motion A:

Move that the committee send forward to the Commission and recommend that the evidence provided in the Notice of Unverified Cemetery submitted by the Mr. Hernandez as well as responses to the notice are not sufficient to support the existence of a cemetery for the area described in the notice.

Instructions for Filing Notice of Unverified Cemetery to the Texas Historical Commission

On September 1, 2017, Section 711.0111 of the Texas Health and Safety Code was amended to include a process for the Texas Historical Commission (THC) to review evidence of unverified cemeteries.

An **unverified cemetery** is defined as “a location having some evidence of interment but in which the presence of one or more unmarked graves has not been verified by the Texas Historical Commission or a person described by Section 711.0105 (a) a cemetery keeper, a licensed funeral director, a medical examiner, a coroner, or a professional archeologist.

Sec. 711.0111. NOTICE OF UNVERIFIED CEMETERY. (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.

(b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

(c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.

(d) If the Texas Historical Commission determines that there is sufficient evidence that a cemetery exists, the Texas Historical Commission shall file notice of the existence of the cemetery under the provisions of Section 711.0111.

Checklist for filing notice with the Texas Historical Commission

Please submit notice of an unverified cemetery to the Texas Historical Commission and concurrently to the landowner on record and include the following information. See Example Letter, attached.

- Provide your contact information including mailing address, email address, and additional contact information (phone number and/or email address).
- Provide the current landowner's name and mailing address, as listed in the county appraisal district of the county in which the unverified cemetery is located. If known, provide any additional contact information that you may have (phone number and/or email address).
- Provide driving directions from the nearest community, including mileage and/or the 911 address for the unverified cemetery, if known, and GPS coordinates (i.e., 34.26758 - 95.123654), if known.
- Provide the legal description for the land occupied by the unverified cemetery (provide survey and abstract numbers and a description). This may be found in the county appraisal district of the county in which the unverified cemetery is located.
- Provide a listing of evidence: Physical elements might include potential graves marked only by stone, burial depressions, evidence resulting from inadvertent excavations, fencing, and/or commonly used grave plantings (iris, crepe myrtle). Documentary evidence might include a deed, family or community history, oral history, etc.
- Attach several location maps, which may include an **annotated** aerial image (Google map), a portion of USGS topographic map, and/or a hand drawn map, etc. Map(s) may be annotated to provide extent of evidence or alleged location of the cemetery.
- Attach other evidence such deeds, photographs, historic map(s), oral history transcription, etc.
- Attach a copy of the landowner letter (see sample, attached).

Mail the notice to the landowner and concurrently to the Texas Historical Commission at:

Pat Mercado-Allinger
Archeology Division
Texas Historical Commission
PO Box 12276
Austin, TX 78711-2276

Email: archeology@thc.texas.gov
For more information, call THC's Archeology
Program at 512. 463.6096
or
the Archeological Reviewer for your region

FORM - NOTICE OF UNVERIFIED CEMETERY

Submitted to the Texas Historical Commission

Your contact information

Your Name: Raymond Hernandez
Your Address 1313 Guadalupe St. Suite 204B
Your City, State, Zip San Antonio, Texas 78207
Other contact information: (210) 724-3356
Email: ray@hillsoftexas.com

Current landowner's contact information

State of Texas
PO Box 29928
Austin, TX 78229-0928

General Land Office
1700 N. Congress Ave., 8th Floor
Austin, TX 78701

City of San Antonio
100 Military Plaza
San Antonio, TX 78205

TCW Boardwalk Properties LTD & TCW Gulfdale 10821 Properties LTD
4040 Broadway St., Suite 315
San Antonio, TX 78209-6375

State of Texas
PO Box 2599
Austin, TX 78229-2599

Carolyn E W Rodriguez
Nora LW Curran
205 Cloverleaf Ave.
San Antonio, TX 78209-3820

Emily Morgan LLC
5847 San Felipe St., Ste 4650
Houston, TX 77057-3277

TCW Third Street Properties & TCW Management LLC
4040 Broadway St., Suite 315
San Antonio, TX 78209-6375

United States Government
Union Square Bldg
10101 Reunion Pl.
San Antonio, TX 78216-4160

The Cemetery is located (describe the location, including GPS information, if available):

The Texas Historical Commission has previously defined the boundary of Mission San Antonio de Valero Cemetery in its Declaration of Dedication dated June 21st, 2019, and recorded in the Real Property records of Bexar County, Texas in Document #20190127792. The description reads as follows: “the area of a rectangle bounded by a line running from a point at the southwest corner of E. Houston Street and Alamo Plaza, then running along the west side of Alamo Plaza to a point where it would intersect with the alignment of E. Crockett Street, then running east along the north side of E. Crockett Street to a point where it would intersect with a straight line adjacent to the rear wall of the Alamo Chapel, then running along that line north to a point on the south side of Houston Street, and then running along the south side of Houston street to the point of beginning”. **See attached Declaration of Dedication attached as Exhibit “A”.**

Physical Address of cemetery: 300 Alamo Plaza, San Antonio, Texas 78205

Driving directions to cemetery from the nearest town: Drive south on IH-35 from New Braunfels, Texas. At exit 158B, take ramp right onto I-37. At exit 141A off I-37, take ramp right toward Commerce St/Downtown. Turn right onto E. Commerce Street, then turn right onto Alamo Plaza.

GPS Coordinates: 29.4260° N , 98.4861° W

The legal description for the land occupied by the Cemetery is (provide survey and abstract numbers and a description):

NCB 115 BLK LOT ALL OF BLK & P-100(.209AC)
NCB 425 Blk 23, Lot 7,9,11,13,15,16 & S IRR PT of 5
NCB 424 Blk 22 Lot 2 & Alley
-1030 BCAD Alamo Plaza
NCB 424 Blk 22 Lot 3 EXC S 32.37 ft of E IRR 5.43
NCB 424 Blk 22 Lot SE IRR 7.69 of 4 & P-101
NCB 552 Blk Lot A6, A8 & A9
NCB 424 Blk 22 Lot S 50 ft of W23 ft of 1
NCB 424 Blk 22 Lot S 45.8 ft of 4
NCB 424 Blk 22 P-100
NCB 424 Blk 22 Lot N IRR 27.04' of 4
NCB 424 22 Lot E IRR 25.8 ft of 1
NCB 552 Lot A7 & S E IRR 9.5 ft of 3

Abstract No. 5053 from original title, but cemetery exists prior to the Republic of Texas and encompasses the area inside the walls of the 1836 Alamo compound.

Cemetery Evidence

Alamo Cemetery Description

The cemetery is associated to the Pueblo of Mission San Antonio de Valero, established in 1718. The burial practices of the Spanish Colonial Mission were to bury the baptized individuals underneath the floor of the churches and extend outward into the Convento and/or Plaza areas. The non-Baptized individuals (American Indians) would be buried in a different location nearby. It was also customary to remove the human remains when the Pueblos/Missions would have to relocate. At the current Alamo site there is high probability that human remains from the original San Francisco de Solano and the 1st location of San Antonio de Valero have been reburied there. According to the Burial Book of San Antonio Mission de Valero there are 1377 burials conducted between 1703-1785 of which consist of mainly American Indians. A total of 469 burials alone in the years 1724-1749. The last known burial was that of Lt. Col. Antonio Elozua Commander of the Armies of Coahuila y Tejas, conducted in 1833 documented in the Burial records of the "Campo Santo" 1806-1860.

These mission-era burials were conducted inside the Mission chapel and outside. Several colonial maps show the location of the Mission Valero cemetery, including the Menchaca map of 1764. In fact, the bronze model currently on display at the Alamo states that over 900 Indians are buried on the site and designates the courtyard in front of the Chapel as the location of one of the cemeteries. **See Exhibit B-Maps/Plaques.** The Mission Valero records at Our Lady of the Lake University includes a 1746 document where the mission friars are debating locations for non-baptized Indians, the conclusion is that they must be buried outside the mission complex. **See Exhibit C. - Overview Report Mission San Antonio de Valero Historic Texas Cemetery Designation Application Supporting Documentation Bexar County, Texas.**

The cemetery was originally owned by the Catholic Church from 1718 to 1883. "Under an act of April 23, 1883, the state of Texas purchased the Alamo chapel from the Catholic Church and placed it in the custody of the city of San Antonio on condition that the city should care for the building and pay a custodian for that purpose. This system continued until January 25, 1905, when the Texas legislature passed a resolution ordering the governor to purchase the Long Barrack. It was further ordered that the governor should deliver the property thus acquired, with the property then owned by the state (the chapel of the Alamo), to the Daughters of the Republic of Texas (DRT), who were entrusted with its care, maintenance, and preservation." (Handbook of Texas)

A brief Scan of Newspaper articles document the unearthing of Human remains at this site in 1883, 1908, 1920, 1934, 1935, 1937, 1995. In the 1935 Newspaper article it states, "There was a burial ground of about two acres, originally, in conjunction with the Alamo." Archeological evidence has been documented in the "Historical Overview of Alamo Plaza and Campo Santo", Alamo Plaza master Plan COSA Parks and recreation", "The Indians of the San Antonio Missions 1718-1821", "1994 Alamo Plaza Study". Additionally, the Campo Santo has been documented on the Official Alamo Website and the Tap Pilam Coahuiltecan Nation website. In 1994 a Human Remains Protocol was established by the Daughters of the Republic with the Tap Pilam Coahuiltecan Nation under its Agency the American Indians in Texas-Spanish Colonial Missions, the defunct Intertribal Council and the African -American Defenders of the Alamo. **See Exhibit D-Supporting Evidence**

Also, in a correspondence from the Catholic Archives at San Antonio Chancery Office, to Allison Baez Ph.D. (Tribal Member) states, "The Alamo Burial Book I contain a note in entry number 737 (Tomas) (an Indian) a note by Fray Diego Martin Garcia dedicating the spots in the Chapel transept in the Altar far an Indian and to the right a Spaniard, a Canary Islander: Don Antonio Bueno de Rosas." According to the Texas Historical Commission correspondence dated October 18, 2018 to the American Indians in Texas Spanish Colonial Missions, "The Alamo Cemetery (cemetery ID BX-C299) was recorded in 2005 during a Bexar County cemetery survey and appears on the THC's Historic Sites and Archeological Sites Atlases as occupying the totality of the current Alamo Plaza."

Additionally, the applicant has participated in two reburials in the Mission San Antonio de Valero Cemetery in recent times. The first occurred in 1995, after human remains were unearthed during a renovation project at the Alamo Chapel. Raymond Hernandez and other Tap Pilam founding members of the American Indians in Texas - Spanish Colonial Missions (AIT-SCM) conducted a reburial ceremony in the Alamo Chapel. **See Exhibit E-Accounts of Human Remains found in the Alamo Complex, <https://www.thealamo.org/about/open-records/remains-table.pdf>.** For the past 25+ years, the Tap Pilam Coahuiltecan Nation has conducted an annual memorial service commemorating this event and honoring those buried in the Cemetery. Additionally, in 2016, the Tap Pilam Coahuiltecan Nation, including the Applicant, Raymond Hernandez, reinterred human remains found by the City of San Antonio Archaeologist Kay Hides on the site of the Crockett Building. **See Exhibit E-Accounts of Human Remains found in the Alamo Complex, <https://www.thealamo.org/about/open-records/remains-table.pdf>**

On or about 2005, the Texas Historical Commission added the Mission San Antonio de Valero Cemetery to its atlas of Texas Cemeteries. In 2019, the Texas Historical Commission approved a Texas Historical Cemetery designation filed by Applicant, Raymond Hernandez, and defined the boundary of Mission San Antonio de Valero Cemetery in its Declaration of Dedication dated June 21st, 2019, and recorded in the Real Property records of Bexar County, Texas in Document #20190127792. The description reads as follows: "the area of a rectangle bounded by a line running from a point at the southwest corner of E. Houston Street and Alamo Plaza, then running along the west side of Alamo Plaza to a point where it would intersect with the alignment of E. Crockett Street, then running east along the north side of E. Crockett Street to a point where it would intersect with a straight line adjacent to the rear wall of the Alamo Chapel, then running along that line north to a point on the south side of Houston Street, and then running along the south side of Houston street to the point of beginning". **See Exhibit A-Declaration of Dedication.**

On or about July 19, 2019 the Texas Historical Commission ruled on a Notice of Unverified Cemetery filed by the Alamo Defenders Descendants Association. The Commission decided that until new archaeological evidence of burials is found on the site, the cemetery shall remain unverified. On August 15, 2019 human remains were found and confirmed by the SPO. **See Exhibit F-Written Notification and Recommendations Regarding Finds in Excavation Unit 05.** In addition, on Friday, December 13, 2019 the Archaeology Committee of the Alamo Trust issued a public statement that three intact burials were discovered, consisting of an adult, a young adult and an infant. **See Exhibit G-Archaeology Update Week of December 9, 2019.** The archival, archaeological and historical evidence being overwhelming and long established, and now, with the discovery of burials of three individuals on the site, the Applicant requests that the Texas Historical Commission verify the Mission San Antonio de Valero Cemetery with its boundaries previously established by the Commission.

Exhibit A

Declaration of Dedication

TEXAS HISTORICAL COMMISSION
real places telling real stories

SCANNED

DECLARATION OF DEDICATION

THE STATE OF TEXAS
COUNTY OF BEXAR

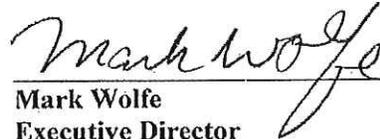
§
§ KNOW ALL MEN BY THESE PRESENTS:
§

That the Texas Historical Commission, an agency of the State of Texas, does hereby certify and declare:

That a cemetery deemed worthy of recognition for its historic associations, and more particularly described in Exhibit A as attached hereto, has been recognized by the Texas Historical Commission as a Historic Texas Cemetery by commission action taken on May 10, 2019.

That this dedication is made in accordance with 13 Tex. Admin. Code Section §22.6.

This Affidavit of Dedication is signed and executed on this 21st day of June, 2019.



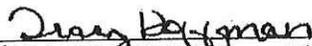
Mark Wolfe
Executive Director
Texas Historical Commission

THE STATE OF TEXAS
COUNTY OF TRAVIS

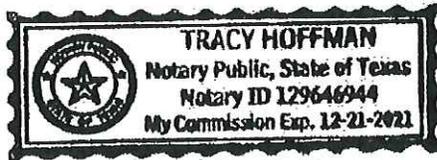
§
§
§

BEFORE ME, the undersigned authority, on this day personally appeared Mark Wolfe, known to me to be a credible person, whose name is above subscribed, and said person swore to me the statements contained herein are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on this 21st day of June, 2019.



NOTARY PUBLIC in and for the STATE OF TEXAS

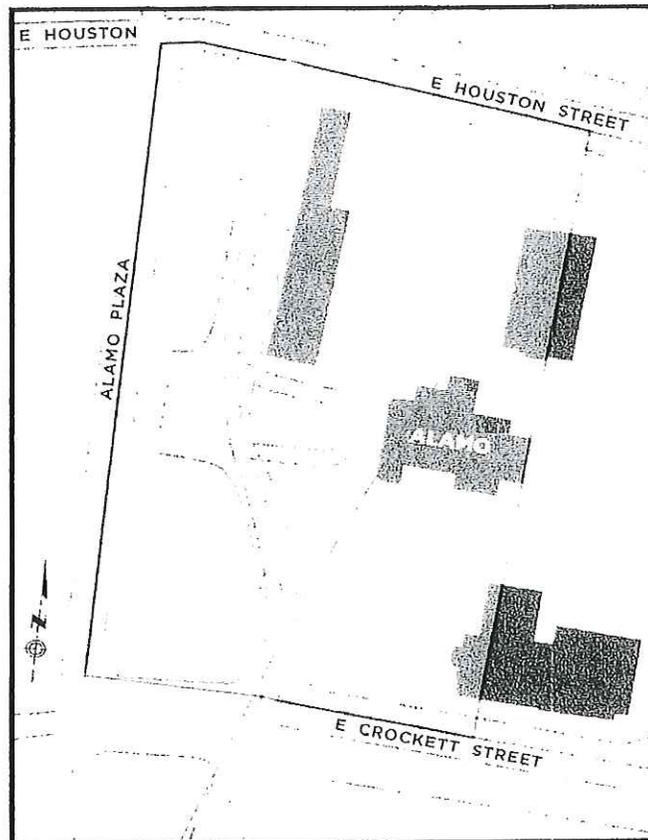


Notary without Bond



EXHIBIT A

**THC Cemetery No. BX-C299
Located in the San Antonio Town Tract, Abstract 20,
Bexar County, Texas**

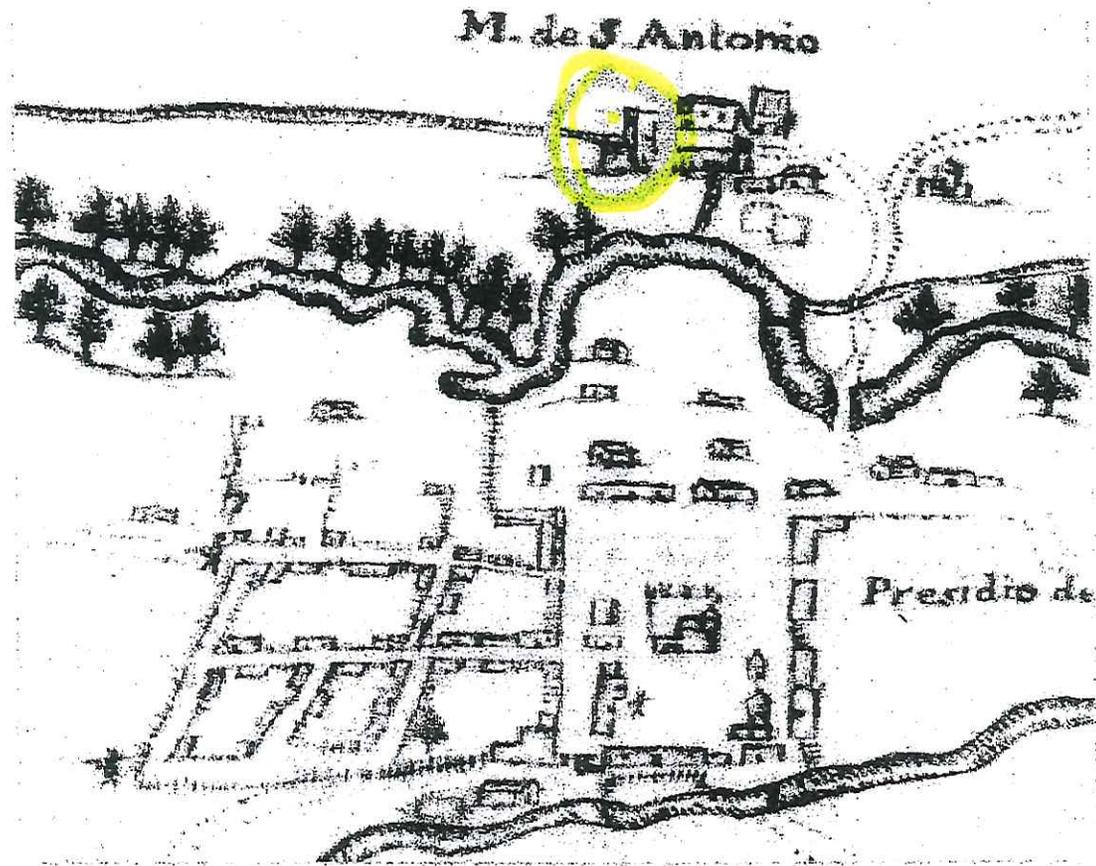


The Texas Historical Commission recognizes a Historic Texas Cemetery within the area of a rectangle bounded by a line running from a point at the southwest corner of E. Houston Street and Alamo Plaza, then running along the west side of Alamo Plaza to a point where it would intersect with the alignment of E. Crockett Street, then running east along the north side of E. Crockett Street to a point where it would intersect with a straight line adjacent to the rear wall of the Alamo Chapel, then running along that line north to a point on the south side of Houston Street, and then running along the south side of Houston Street to the point of beginning. [See map above.]

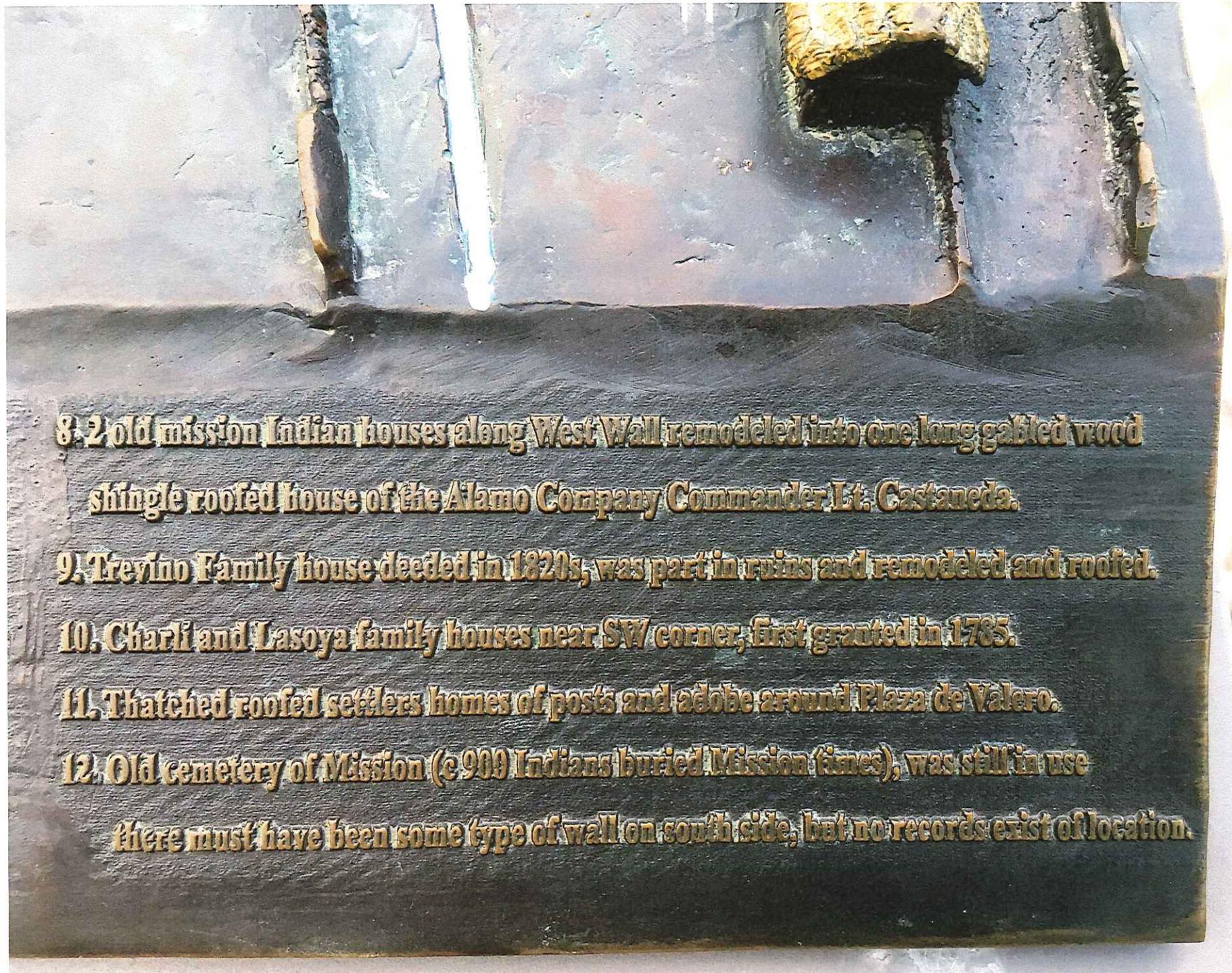
This designation is not intended to affect the allowed uses of this property and does not constitute the designation of an Unknown or Abandoned Cemetery under the Health and Safety Code. It is an acknowledgement that, based on archival information only and in the absence of any visible evidence on the surface or any evidence of intact human remains outside of the perimeter of the Alamo Chapel, the area described is deemed worthy of recognition as a Historic Texas Cemetery under Commission Rule 22.6.

Exhibit B

Maps/Plaques



Menchaca MAP 1764





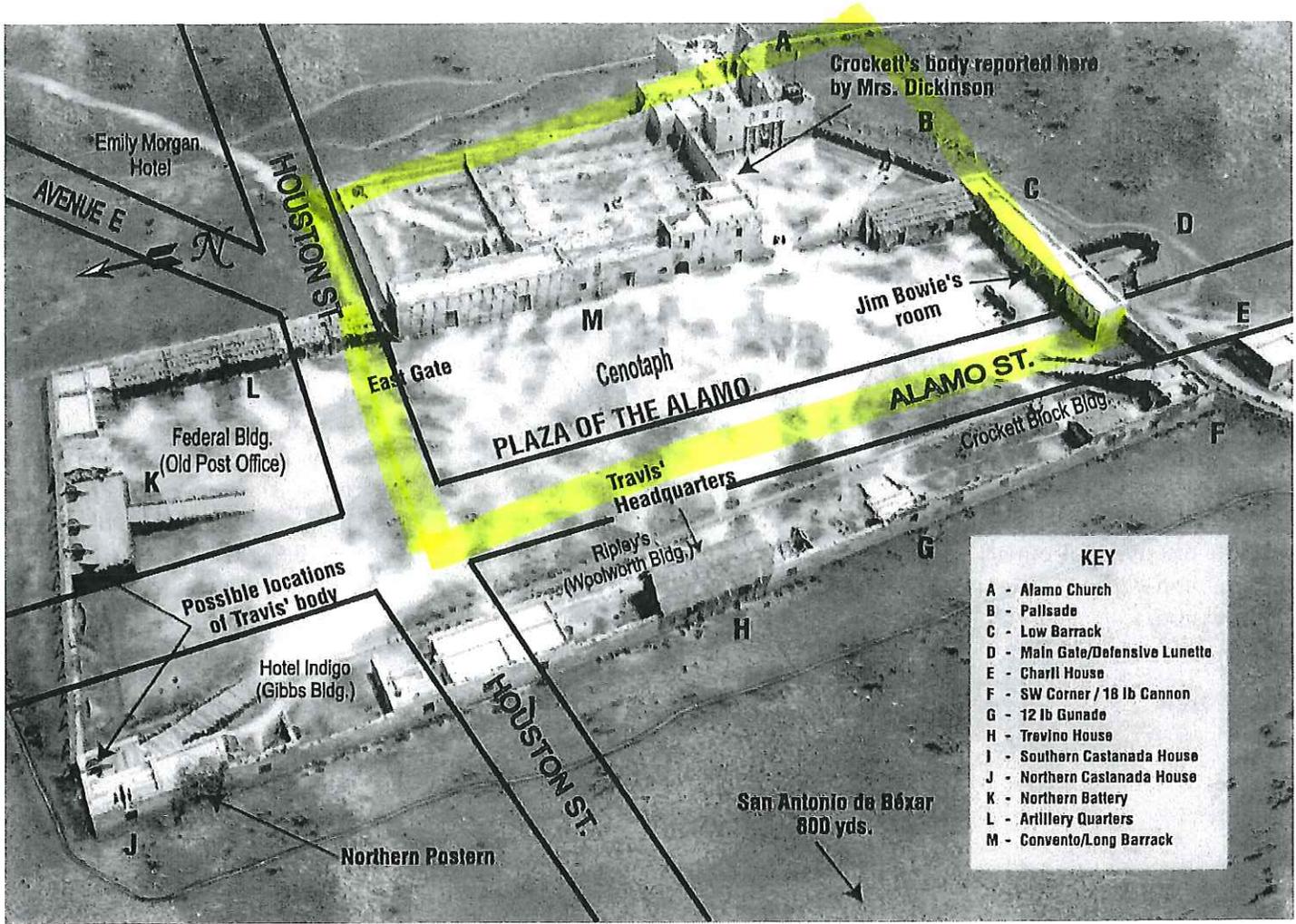


Exhibit C

Overview Report Mission San
Antonio de Valero Historic
Texas Cemetery Designation
Application Supporting
Documentation Bexar County
Texas



GTI Environmental, LLC
Environmental Consultants

Overview Report
Mission San Antonio de Valero
Historic Texas Cemetery Designation Application
Supporting Documentation
Bexar County, Texas

Prepared For:
American Indians of Texas at Spanish Colonial Mission
a 501(c)3 Non-Profit Organization established by
Tap-Pilam Coahuiltecan Nation

Prepared By:
GTI Environmental, LLC

Principal Investigator:
Sergio A. Iruegas, R.P.A.

Authors:
Sergio A. Iruegas, R.P.A.
Melinda Tate Iruegas

March 31, 2019

Abstract

This document has been prepared as an Overview Report under the classes of Cultural Resource Management Investigations (2.1.1) as promulgated by the Council of Texas Archaeologists Guidelines for Cultural Resource Management Reports under the auspices of the Texas Historical Commission (THC). As required by the Antiquities Advisory Board of the THC, this Overview Report is intended as supporting documentation for the delineation of the historic cemetery boundary presented in the American Indians of Texas at Spanish Colonial Missions Historic Texas Cemetery designation application for the Mission San Antonio de Valero. The presented information reflects current knowledge and nature of the Historic Texas Cemetery delineation based on the archaeological record of published reports, THC database information, THC consultation letters, historic mission burial records, historic newspaper articles, and the Office of the Attorney General Opinion letters. The overview report presents information about the known archaeological data regarding the distribution of human remains and funerary objects within the immediate surroundings of Mission San Antonio de Valero (Alamo Compound). The methodology for assessing and delineating historic cemetery boundaries is based on past precedent of THC recommendations for other large historic cemeteries associated with other cultural groups and other Native American cemeteries. Lastly, this Overview Report presents information that reflect the current knowledge of unrecognized significance of Mission San Antonio de Valero's historic cemetery within the context of the mission's historic cultural landscape and historical narrative. Preserving historic cultural landscapes is a focus of THC's Statewide Plan under Goal-2, which is a significant juncture in time when Spain established Mission San Antonio de Valero on May 1, 1718 along with the Villa de Béxar and the Presidio de Béxar on May 5, 1718, which received a royal cedula on June 11, 1718. The mission's historic cultural landscape included agricultural land and pastoral lands, which were essential for the birth of the cattle industry in the Provincia de Tejas and the Texas connection with the American Revolutionary War effort.

According to the THC's Atlas database under the Antiquities Code of Texas, the THC has required comprehensive archival studies and archaeological historic cemetery delineation investigations to fully address concerns regarding cemetery boundaries and unforeseen adverse effects to human remains, funerary objects, and cultural material assemblages. Such requirements were applied to the Texas State Cemetery, Allen Parkway Village Cemetery, and Freedman's Cemetery projects, to name a few Historic Non-Aboriginal Cemeteries. To date, despite the numerous antiquities permitted archaeological investigations in the Alamo Plaza area, an archeological site trinomial number never has been assigned to this Historic Aboriginal Cemetery, and its' significance has not been addressed for consideration regarding preservation, or protection from Adverse Effects by development plans. It is GTI's recommendation that the THC's Antiquities Advisory Board approve AITSCM's Historic Texas Cemetery application with a provisional boundary as defined in this report that can be verified, or expanded, upon the completion of a comprehensive archival study and archaeological historic cemetery delineation investigation carried out by the General Land Office of Texas and the City of San Antonio "before breaking ground" in the Alamo Redevelopment Project area, in accordance with the Antiquities Code of Texas.

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Introduction

GTI Environmental, LLC (GTI) has prepared this document as an Overview Report under the classes of Cultural Resource Management Investigations (2.1.1) as promulgated by the Council of Texas Archaeologists Guidelines for Cultural Resource Management Reports under the auspices of the Texas Historical Commission (THC). As required by the Antiquities Advisory Board of the THC, this Overview Report is intended as supporting documentation for the delineation of the historic cemetery boundary presented in the American Indians of Texas at Spanish Colonial Missions Historic Texas Cemetery designation application for the Mission San Antonio de Valero.

The presented information reflects current knowledge and nature of the Historic Texas Cemetery delineation based on the archaeological record of published reports, THC database information, THC consultation letters, historic mission burial records, historic newspaper articles, and the Office of the Attorney General Opinion letters. Since the late 1960s (Schuetz 1966, 1973; Greer 1967) through today (Anderson 2017), archeologists have documented the presence of human remains associated with the historic cemetery of Mission San Antonio de Valero within the chapel, plaza area, outside the plaza within federal land, and private property. According to the THC's database information, the official State Antiquities Landmark designation for Mission San Antonio de Valero does not include a cemetery as a contributing component of the site's significance, and the "Alamo Cemetery" was recorded by THC staff as Cemetery ID BX-C299, as recently as 2005, which is not to be confused with an archaeological site trinomial number. In THC consultation letters with AITSCM, dated October 18, 2018, the THC archaeology staff acknowledged the historic cemetery boundary included the chapel, entire plaza, and outside the plaza perimeter. The THC archaeology staff assessment was based on previous archaeology reports that tallied the mission's historic burial records, in which 954 individuals were interred in the mission's historic cemetery from January 22, 1724 through June 4, 1782; the burial records, however, were maintained from 1718 through 1835 (Hard 1994:39). Popular belief is the mission padres established one or more burial grounds in front of the chapel, and the historic 1836 Navarro Map (Hard 1994:42) shows a cemetery outside the chapel. Contemporary ecclesiastical records, however, document the interments of unbaptized individuals outside consecrated grounds, and there are numerous individuals buried outside of the depicted cemetery. Historic newspaper articles and archaeology reports support this conclusion with corroborating evidence, which documented the discovery of human remains inside and outside Alamo Plaza.

The THC Archaeology Division staff have always used the rule of thumb that for every marked burial on the ground or in the burial records, there are at least three unmarked burials outside the modern fenced boundary. When the U.S. Post Office was constructed in the 1930s, workers exhumed well over 30 sets of human remains, some of which dated to the historic period based on the presence of rosary beads (Hard 1994:49). Theoretically, the funerary objects were given to Mrs. Lieta Small, custodian of the Alamo (Hard 1994:50), while the human remains were reinterred in San Fernando

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Cemetery Number 2, re-exhumed in 1994 for analysis and study, then reinterred at the same cemetery (Hard 1994:50). Presumably, the university inventoried these human remains, and the osteological studies were carried out in compliance with the Antiquities Code of Texas and the Health and Safety Code in terms of the required consultation and written consent with Next of Kin. The AITSCM and the Tap Pilam Coahuiltecan Nation tribal community have consistently spoken on behalf of their ancestors.

In March 18, 1988, the Historic Aboriginal Cemetery issue at the Alamo was paramount at the time the Alamo Plaza Master Plan was developed for the City of San Antonio's Department of Parks and Recreation (Perez 1988), which generated Texas Attorney General Opinion Letters to the State Archaeologist at THC. At this time, the THC State Archeologist promoted a Native American Cemetery bill in the Texas legislature for the protection and preservation of Prehistoric and Historic Aboriginal Cemeteries; the bill died in committees. On March 17, 1988, however, the Texas Attorney General gave an opinion that "Indian graves are protected from theft under Texas law" under the penal code, and "To Indians, Indian burial grounds are consecrated grounds imbued with the same sacred character as graves in other societies" (Victoria Guerra, Assistant Attorney General letter dated March 17, 1988). By the time the Native American Graves Protection and Repatriation Act was enacted on November 16, 1990, the issue of Indian graves required another Texas Attorney General opinion regarding subsection 31.03(e)(4)(B) of the penal code, specifically related to the term "grave" and how it applies to marked and unmarked Indian burial grounds regardless of antiquity or ethnic origin. While the opinion summary stated, "the term is not limited by definition in the Penal Code and applies to any grave, regardless of ethnicity, antiquity, or markings", the opinion also noted, "that conviction of an offense under section 31.03 requires that there be an identifiable living 'owner' of the property [grave and human remains] as of the date of the alleged theft". This presumes a project sponsor makes a good faith effort to identify the Next of Kin, which had been done in the past, such as the City of San Antonio's identification and consultation with the Texas Hero Ben Milam's Next of Kin descendants (Tennis 1995a,1995b).

The opinion continued by stating, "the Penal Code criminalizes the abuse of a corps and the desecration of venerated objects, including places of burials". On a final note in the opinion, the Texas Attorney General referenced Chapter 711 of the Health and Safety Code stating the code governs cemeteries (Rick Gilpin, Deputy Chief Opinion Committee in letter dated September 4, 1992). The THC provides a weblink about Cemetery Laws regarding the Penal Code under Title 2 General Principles of Criminal Responsibility, Chapter 7 Criminal Responsibility for the Conduct of Another, Subchapter A Complicity, and the THC emphasizes the Health and Safety Code Chapter in general, which includes 711.052(a)(6)—the criminal penalty of removing remains from a plot without complying with Section 711.004 and subsection 711.004(a)(5) the requirement to obtain written consent from Next of Kin to remove human remains from a burials. Publishing notices in a newspaper under Section 711.036 to remove the dedication of a cemetery and human remains from a resting place is the last effort to identify Next of Kin in addition to those efforts outlined under Section 711.004(a). The Tribal Community of the Tap Pilam Coahuiltecan Nation are the Next of Kin that are

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living today. Members of the Tribal Community can demonstrate their genealogical descent back to early 18th-century mission birth and death records at a time prior to the arrival of other tribal groups, like the Comanche and Apache. The oral histories, genealogical record, Spanish Colonial written records, and archaeological record makes the tribal community culturally affiliated direct lineal descendants associated with their ancestors buried within the historic cemetery boundaries of Mission San Antonio de Valero (Alamo). The Tribal Community still venerate their ancestors on an annual basis at the Alamo, and they have been speaking for their ancestors prior to and during planned development projects at the Alamo, such as the 1988 Alamo Plaza Master Plan, the 1994 Alamo Plaza Study Committee Report and Recommendations to the City Council [of San Antonio], and the most recent Alamo Redevelopment Master Plan.

The first two plans concluded there was a cemetery inside and in front of the chapel, and the Coahuiltecan Bands at the mission were buried in as many as three to four cemeteries overtime within the general vicinity of the Alamo (Alamo Plaza Study Committee 1994:23). A general premise of these development plans is that construction may encounter the ashes and human remains of Texas Heroes and some evidence of intact or disturbed (disarticulated) human remains of mission Indians from the Spanish Colonial Period. It should be noted that arguments in which disarticulated human remains does not represent a cemetery are disrespectful to people of other ethnic Coahuiltecan origins, who hold that the disarticulation of ancestral remains represents, either persistent Coahuiltecan mortuary practices of removing ancestors' remains for reburial at new living locations, or the purposeful placement in the ground of individual body parts that fell off and died, like a tooth, or the desecration of those original ancestral burials by past and recent legal and illegal impacts. According to Coahuiltecan religious cosmology and mortuary practices, all inanimate and animate objects have a life force with a life span, then dies, and is buried where life ceased to exist, even something as small as a tooth (Ruecking 1953 and 1955). An unrecognized mortuary pattern has been documented where an isolated tooth was recovered at the temporary location of Mission Valero (Nichols 2015:52–53), situated between Milam Park and the San Antonio River, and the permanent Mission Valero location (Anderson 2017:123). Accordingly, the Tap Pilam Coahuiltecan Nation tribal community attaches cultural and religious significance of the Alamo grounds, the Mission San Antonio de Valero Historic Cultural Landscape, and within their Indian Tribal Lands.

The presence of so many sets of human remains in the general vicinity of the Alamo is understandable when considering the historic context of how and when the mission was established. According to the 1573 Ordinances of Discovery, New Settlement, and Peace, the Spanish Governor-Military Commander and Presidente of the Missionaries were required to consult and obtain the consent of the local tribal elders regarding the temporary and permanent locations of the villa and missions. General Pedro de Aguirre's 1709 entrada records indicated there were over 500 people living in the large Coahuiltecan Payaya Village (Tous 1930:5) at the San Antonio River. Ruecking (1954:330) demonstrated that up to 80,000 native people lived in the northeastern Mexico and south central Texas area, in 1718. The archaeological record demonstrates the Coahuiltecan people have lived in the greater Central and South Texas area over 16,000

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years (Waters et al. 2018). Previous archaeological studies have not developed their research designs from the Coahuiltecan, Spanish, and Tejano perspective that the 1718 native village had a long history, and the traditional tribal burial ground evolved overtime from the prehistoric period through the Spanish Colonial Period, which explains why there are so many sets of human remains in the general vicinity of the Alamo, some of which display Archaic Period burial practices, but those human remains in and around Alamo Plaza are Historic Period. Comprehensive archival studies and archaeological historic cemetery delineation investigations have been commensurate and guided other development plans throughout Texas. These types of studies have yet to be completed at the Alamo, which is inconsistent with past precedent of these studies being completed prior to development projects breaking ground for the preservation of other cultural groups' heritage.

The overview report presents information about the known archaeological data regarding the distribution of human remains and funerary objects within the immediate surroundings of Mission San Antonio de Valero (Alamo Compound). This report uses the sources referenced in AITSCM's initial Historic Texas Cemetery designation application. Researchers have compiled specific references where human remains are mentioned in the report and noted the locations of the human remains on a map. The methodology for assessing and delineating historic cemetery boundaries is based on past precedent of THC recommendations for other large historic cemeteries associated with other cultural groups and other Native American cemeteries. In general, all evidence for the existence of a cemetery is noted on a map, which can be marked by formal and informal headstones, footstones, fencing, depression in the ground, documented human remains, disarticulated human remains, and even certain types of flowers clusters (Lilies and Irises), as well as historic maps showing burial grounds. Qualified professional archaeologists with demonstrated local expertise and familiarity with the archaeological periods, who are not in violation of the Antiquities Code of Texas or the Health and Safety Code under Chapter 711.052(a)(6), draw a dashed-line around the evidence of burials to indicate the known written record extent of the cemetery. Consistent with past precedent established by the THC, the professional archaeologist makes recommendations that the project sponsor avoid the demarcated area within a 300 foot buffer. If avoidance is not possible, formal excavation should determine the presence or absence of grave shafts or human remains to verify the cemetery boundary dashed-line. Upon completion of the archaeological historic cemetery delineation study, the dashed-line is verified or expanded and demarcated with a solid-line in the THC database to represent the archaeologically confirmed historic cemetery boundaries.

Past precedence has been established throughout the state for other cultural groups of issuing one antiquities permit to address proposed project adverse effects to human remains and funerary objects, after comprehensive archival study and archaeological historic cemetery delineation study have been completed. In some cases, less experienced archaeologists have encountered human remains not realizing THC federal project reviewers had recommended comprehensive archival research in the past for projects that were later canceled, only for the land to be used for other purposes. Such was the case of the recent Fort Bend Independent School District where numerous

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multiple burials were encountered after the archaeological investigation was completed and ground breaking inadvertently impacted the human remains. THC did not allow the project to proceed until comprehensive archival and archaeological historic cemetery delineation studies were completed. The Texas State Cemetery is an example where an unverified provisional historic cemetery boundary delineation was approved by the THC's Antiquities Advisory Board in a Historic Texas Cemetery designation application. Later, comprehensive archival and archaeological studies confirmed the historic cemetery boundary extended beyond the known burials into the street based on the presence of unmarked burials and human remains. The investigations were addressed as a single comprehensive archaeological data recovery effort within the historic cemetery redevelopment project area.

Lastly, this Overview Report presents information that reflect the current knowledge of unrecognized significance of Mission San Antonio de Valero's historic cemetery within the context of the mission's historic cultural landscape and historical narrative. Preserving historic cultural landscapes is a focus of THC's Statewide Plan under Goal-2, which is a significant juncture in time when Spain established Mission San Antonio de Valero on May 1, 1718 along with the Villa de Béxar and the Presidio de Béxar on May 5, 1718, which received a royal cedula on June 11, 1718 (Hoffman 1935:37). The mission's historic cultural landscape included agricultural land and pastoral lands, which were essential for the birth of the cattle industry in the Provincia de Tejas and the Texas connection with the American Revolutionary War effort. While the THC consultation letters with the Alamo Trust, Inc. envision the Alamo can be considered as a network of Texas Revolution sites connecting with San Felipe, Goliad, Washington on the Brazos, Gonzales, San Jacinto, and other related sites, Mission San Antonio de Valero was also integral in contributing towards the 18,449 head of cattle for the American Revolution, and the Alamo can be connected with other Spanish settlements that contributed to the revolution, such as Mission Concepcion, Mission San Jose, Mission San Juan, Mission Espada, Fuerte del Cibolo, Mission La Bahia, Ranchería Grande, Mission Los Adaes (all in Texas), Appaloosa (in Louisiana), Pensacola, and St. Agustin (in Florida). The National Significance of the Alamo in the context of the American Revolution has yet to be fully realized and documented, and many of the Rancheros were mixed Coahuiltecan and Spanish, some of whom may be buried in Mission San Antonio de Valero's historic cemetery boundary. Many of the Texas settlers who came in 1836 intermarried with the Spanish and Tejano families, who were here before, and their connection with the American Revolution and their stories have yet to be told. Only Comprehensive archival studies can address the nationally significance questions for Texas history.

According to the THC's Atlas database, under the Antiquities Code of Texas the THC has required comprehensive archival studies and archaeological historic cemetery delineation investigations to fully address concerns regarding cemetery boundaries and unforeseen adverse effects to human remains, funerary objects, and cultural material assemblages for projects of a similar nature with large cemeteries within an urban setting. Such requirements were applied to the Texas State Cemetery, Allen Parkway Village Cemetery, and Freedman's Cemetery projects, to name a few Historic Non-Aboriginal

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Cemeteries. To date, despite the numerous antiquities permitted archaeological investigations in the Alamo Plaza area, an archeological site trinomial number never has been assigned to this Historic Aboriginal Cemetery, and its' significance has not been addressed for consideration regarding preservation, or protection from Adverse Effects by development plans. It is GTI's recommendation that the THC's Antiquities Advisory Board approve AITSCM's Historic Texas Cemetery application with a provisional boundary as drawn in this report that can be verified, or expanded, upon the completion of a comprehensive archival study and archaeological historic cemetery delineation investigation carried out by the General Land Office of Texas and the City of San Antonio "before breaking ground" in the Alamo Redevelopment Project area, in accordance with the Antiquities Code of Texas and the Health and Safety Code under Chapter 711.004(a)(5).

Current Knowledge and Nature of Historic Texas Cemetery Delineation

The presented information reflects current knowledge and nature of the Historic Texas Cemetery delineation based on the archaeological record of published reports, THC database information, THC consultation letters, historic mission burial records, historic newspaper articles, and the Office of the Attorney General Opinion letters. Since the late 1960s (Schuetz 1966, 1973; Greer 1967) through today (Anderson 2017), archeologists have documented the presence of human remains associated with the historic cemetery of Mission San Antonio de Valero within the chapel, plaza, and outside the plaza within federal land, and private property. According to the THC's database information, the official State Antiquities Landmark designation for Mission San Antonio de Valero does not include a cemetery as a contributing component of the site's significance, and the "Alamo Cemetery" was recorded by THC staff as Cemetery ID BX-C299, as recently as 2005. The THC's cemetery record identification number is not to be confused with an archaeological site trinomial number, which archaeological consultants would include in the cultural resources management background review to project sponsors. Despite the Tap Pilam Coahuiltecan Nation's participation in the GLO and COSA Alamo Citizen Advisory Committee, their concerns regarding the interrelationship of graves and human remains between known cemetery areas were expressed in writing to the committee, which were unanswered satisfactorily. The Tribal Community concerns for their ancestors have been consistent over time. On May 31, 1994, Tribal Elder Raymond Hernandez received a response from THC's Executive Director, Curtis Tunnell (Appendix A-THC Ex. Dir. Curtis Tunnell May 31, 1994).

"Dear Mr. Hernandez:

I have never doubted that hundreds of individuals were buried in and around mission San Antonio the Valero during its long history records kept during the Spanish. Certainly confirm this. Although many burials may have been disturbed or destroyed during intervening years, I would preferred to see those remaining, left undisturbed.

For many reasons, I would preferred to see the streets crossing Alamo Plaza closed permanently. This would reduce danger, noise, and pollution for visitors and for the monument itself. It would also be appropriate to add a great deal more interpretation of the rich history of this landmark, including the presence of human burials associated with the mission church.

You have also made good progress in researching your family genealogy, and I wish you well in that endeavor.

Sincerely,
Curtis Tunnell
Executive Director"

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It should be noted that Curtis Tunnell worked on excavations at the Alamo in the 1970s, and he had many years of experience encountering human remains associated with the historic cemetery. Mr. Tunnell was well aware of surnames in the burial records and lineal descendants associated with Mission Valero. As the Executive Director of the Texas Historical Commission, in 1994, he acknowledged Mr. Hernandez's genealogical research that demonstrated his cultural affiliation with his ancestors buried at the Alamo's historic cemetery and Next of Kin status. As the Tribal Elder of the Tap Pilam Coahuiltecan Nation, Mr. Hernandez has guided his Tribal Community in matters of consultation with the city, state, and federal agencies, regarding human remains and effects to their cultural material in the archaeological record, which represents their heritage.

The Tribal Community reiterated the same concerns about their ancestors to the THC on August 27, 2018. In THC consultation letters with AITSCM, dated October 18, 2018, the THC archaeology staff acknowledge the historic cemetery boundary includes the chapel, entire plaza, and outside the plaza perimeter (Appendix A—THC letter dated October 18, 2018 to Ramon Vasquez, Executive Director AITSCM). Specifically, Mark Wolf and Patricia Mercado-Allinger consulted together with the project reviewer, Casey Hansen. The signed THC letter stated,

“The THC is aware that previous investigations have located human remains within and beyond these boundaries, and the THC agrees that the potential to encounter human remains within the [Alamo Redevelopment] Project area should be a primary concern for the Project.”

In the same consultation letter, THC stated,

“Your further concerns regarding cemetery boundaries and unforeseen adverse effects to human remains and archaeological deposits cannot be fully addressed by THC until a comprehensive archaeological and archival study has been completed. The THC recommends that the Project should take all future and previous archaeological investigations into consideration when designing specific impacts to minimize any adverse effects.”

The tribal community has yet to be informed that such a comprehensive archival and archaeological studies has been required for the Alamo Development Master Plan prior to breaking ground, in accordance with the Antiquities Code of Texas.

In 2005, the THC developed an administrative record for the Alamo cemetery. The THC archaeology staff assessment that the cemetery consisted of the chapel and entire plaza was based on previous archaeology reports. One particular report tallied the mission's historic burial records, which was based on an avocational historian's (John Ogden Leal) translations of Spanish archival records during the 1970s. Previous investigators tallied 954 individuals were interred in the mission's historic cemetery from

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January 22, 1724 through June 4, 1782. The earliest Mission San Antonio de Valero burial records were not available in the 1970s, and the burial records were maintained from 1718 through 1835 (Hard 1994:39). Previous research indicated the mission padres established three to four burial grounds in front of the chapel, according to the Alamo Plaza Study Committee Goal-2.b (1994:23), and the historic 1836 Navarro Map (Hard 1994:42) shows a cemetery outside the chapel. Contemporary ecclesiastical records, however, document the interments of unbaptized individuals outside consecrated grounds. Human remains have been found outside the plaza and in between proposed clusters of burials. Therefore, there are numerous individuals buried outside of the depicted cemetery on historic maps and outside the plaza boundary.

The seven page document was prepared by Father Asisclos Valverde, of Mission San Antonio de Valero, on August 6, 1746. The document focused on an ecclesiastical debate regarding the burial of unbaptized natives. The padres discuss the appropriateness of burying people that did not practice a Catholic way of life in sanctified holy ground. The deceased were buried outside the historic cemetery wall (Figure 1).

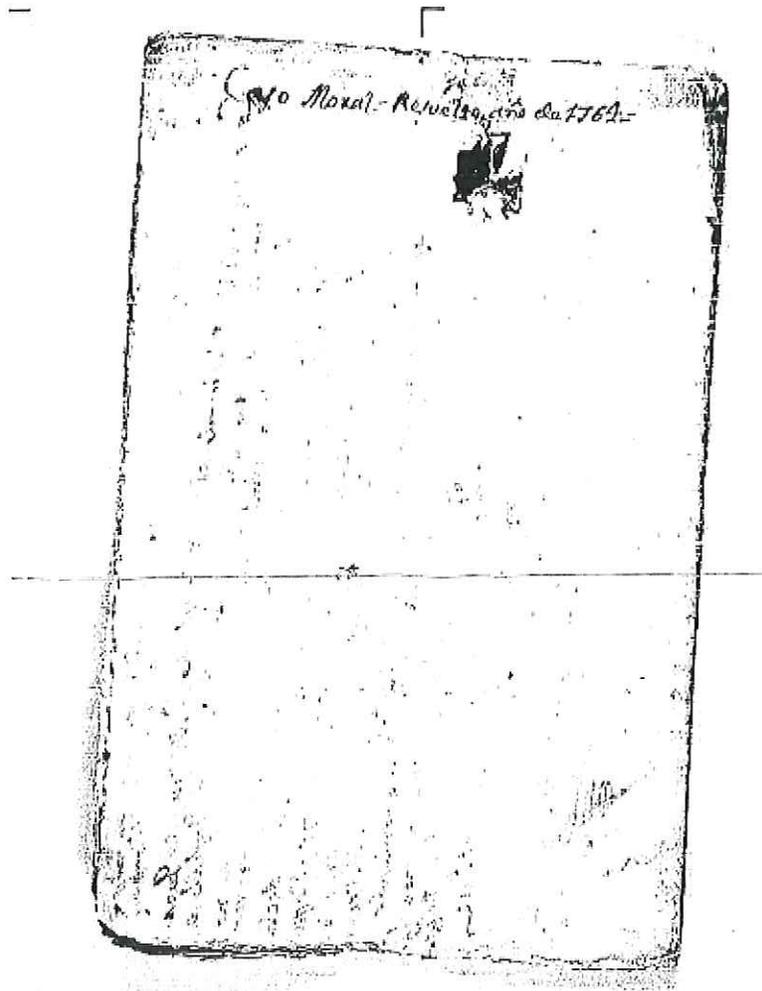


Figure 1a: Burial of Unbaptized Natives Outside Cemetery Wall

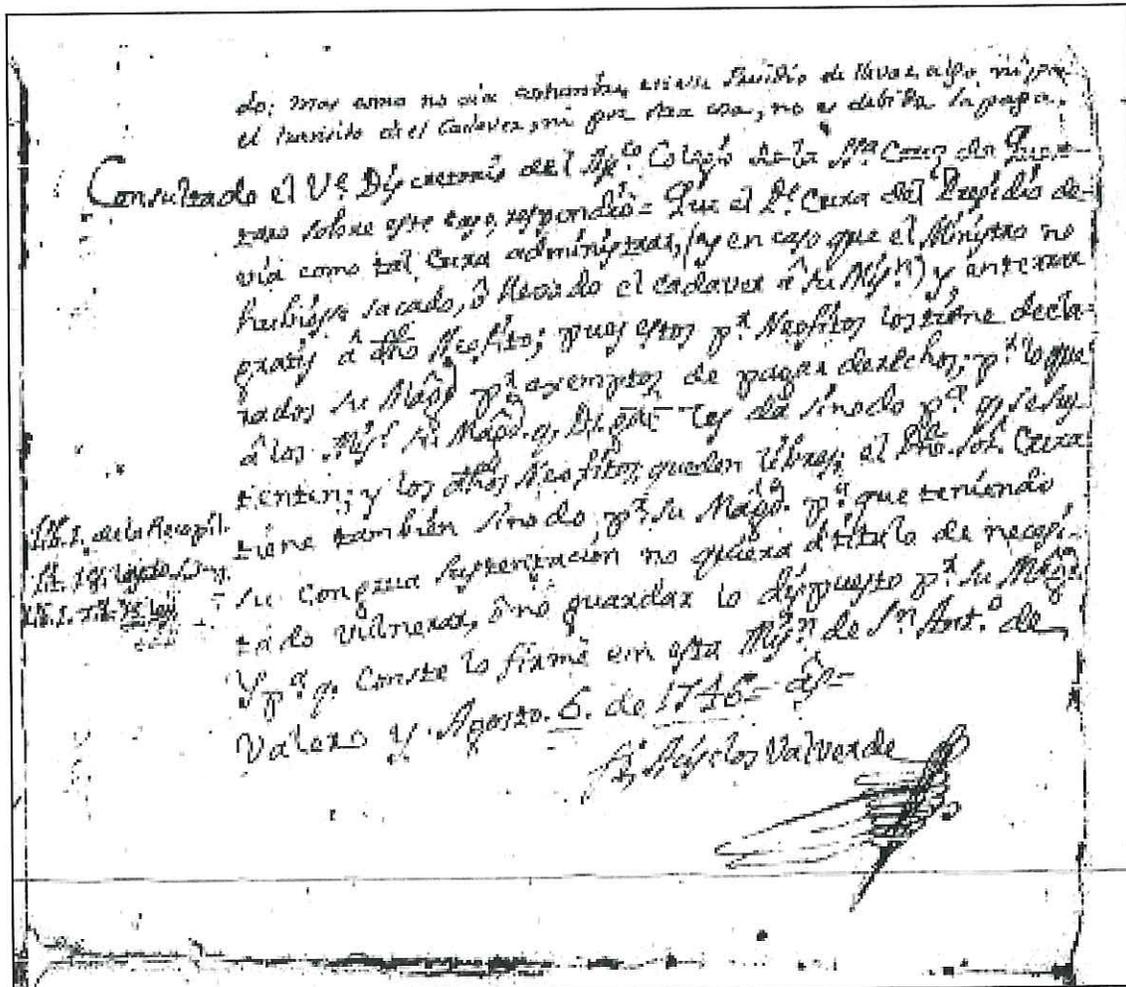


Figure 1h: Burial of Unbaptized Natives Outside Cemetery Wall

While none of the archaeological reports after 2005 depict the Alamo cemetery boundary composed of the chapel and the entire plaza as THC staff have done, earlier reports discussed historic newspaper articles about construction crews encountering human remains during the early 20th-century. The historic newspaper articles are corroborating evidence that supports THC’s conclusion that human remains have been documented inside and outside Alamo Plaza. A more detailed discussion is provided about the historic newspaper accounts in the next chapter entitled, Archaeological Data Regarding Distribution of Human Remains.

The THC Archaeology Division staff have always used the rule of thumb that for every marked burial on the ground or in the burial records, there are at least three unmarked burials outside the modern fenced boundary. When the U.S. Post Office was constructed in the 1930s, workers exhumed well over 30 sets of human remains, some of which dated to the historic period based on the presence of rosary beads (Hard 1994:49). Theoretically, the funerary objects were given to Mrs. Lieta Small, custodian of the Alamo (Hard 1994:50), while the human remains were reinterred in San Fernando

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Cemetery Number 2, re-exhumed in 1994 for analysis and study, then reinterred at the same cemetery (Hard 1994:50). Presumably, the university inventoried these human remains, reported to the National Park Service Repatriation Office, and the osteological studies were carried out in compliance with the Antiquities Code of Texas and the Health and Safety Code, in terms of the required consultation with the THC and written consent from the Next of Kin. The AITSCM and the Tap Pilam Coahuiltecan Nation tribal community have consistently spoken on behalf of their ancestors in this regard.

In March 18, 1988, the Historic Aboriginal Cemetery issue at the Alamo was paramount at the time the Alamo Plaza Master Plan was developed for the City of San Antonio's Department of Parks and Recreation (Perez 1988). The THC's concern for threatened and endangered Native American graves and cemeteries generated Texas Attorney General Opinion Letters to the State Archaeologist at THC. At this time, the THC State Archeologist promoted a Native American Cemetery bill in the Texas legislature for the protection and preservation Prehistoric and Historic Aboriginal Cemeteries; the bill died in committees. On March 17, 1988, however, the Texas Attorney General gave an opinion that "Indian graves are protected from theft under Texas law" under the penal code, and "To Indians, Indian burial grounds are consecrated grounds imbued with the same sacred character as graves in other societies" (Victoria Guerra, Assistant Attorney General letter dated March 17, 1988; Figure 2 and Figure 3). By the time the Native American Graves Protection and Repatriation Act was enacted on November 16, 1990, the issue of Indian graves required another Texas Attorney General opinion regarding subsection 31.03(e)(4)(B) of the penal code, specifically related to the term "grave" and how it applies to marked and unmarked Indian burial grounds regardless of antiquity or ethnic origin. While the opinion summary stated, "the term is not limited by definition in the Penal Code and applies to any grave, regardless of ethnicity, antiquity, or markings", the opinion also noted, "that conviction of an offense under section 31.03 requires that there be an identifiable living 'owner' of the property [grave and human remains] as of the date of the alleged theft".

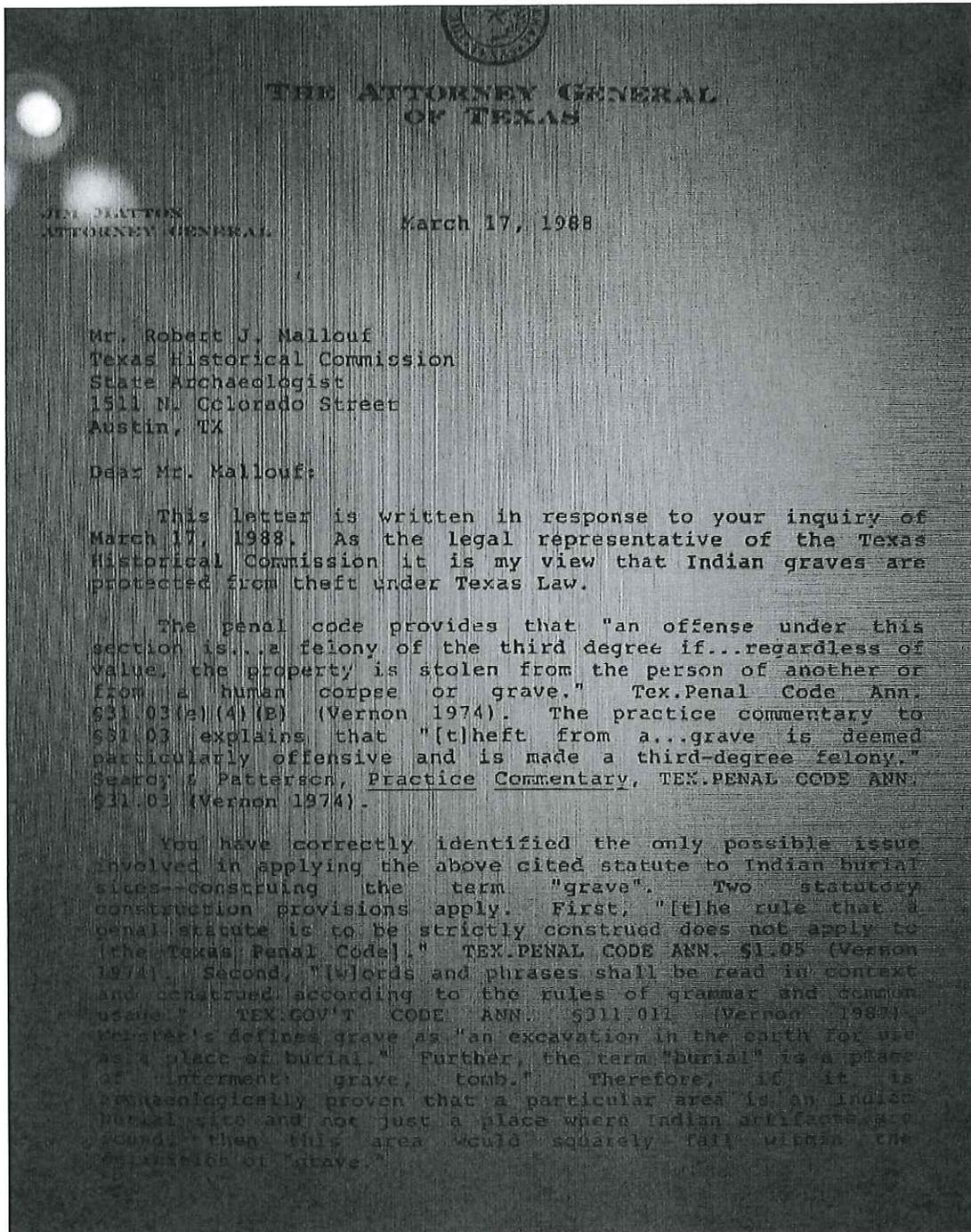


Figure 2: Texas Attorney General Opinion Letter Dated March 17, 1988 page 1

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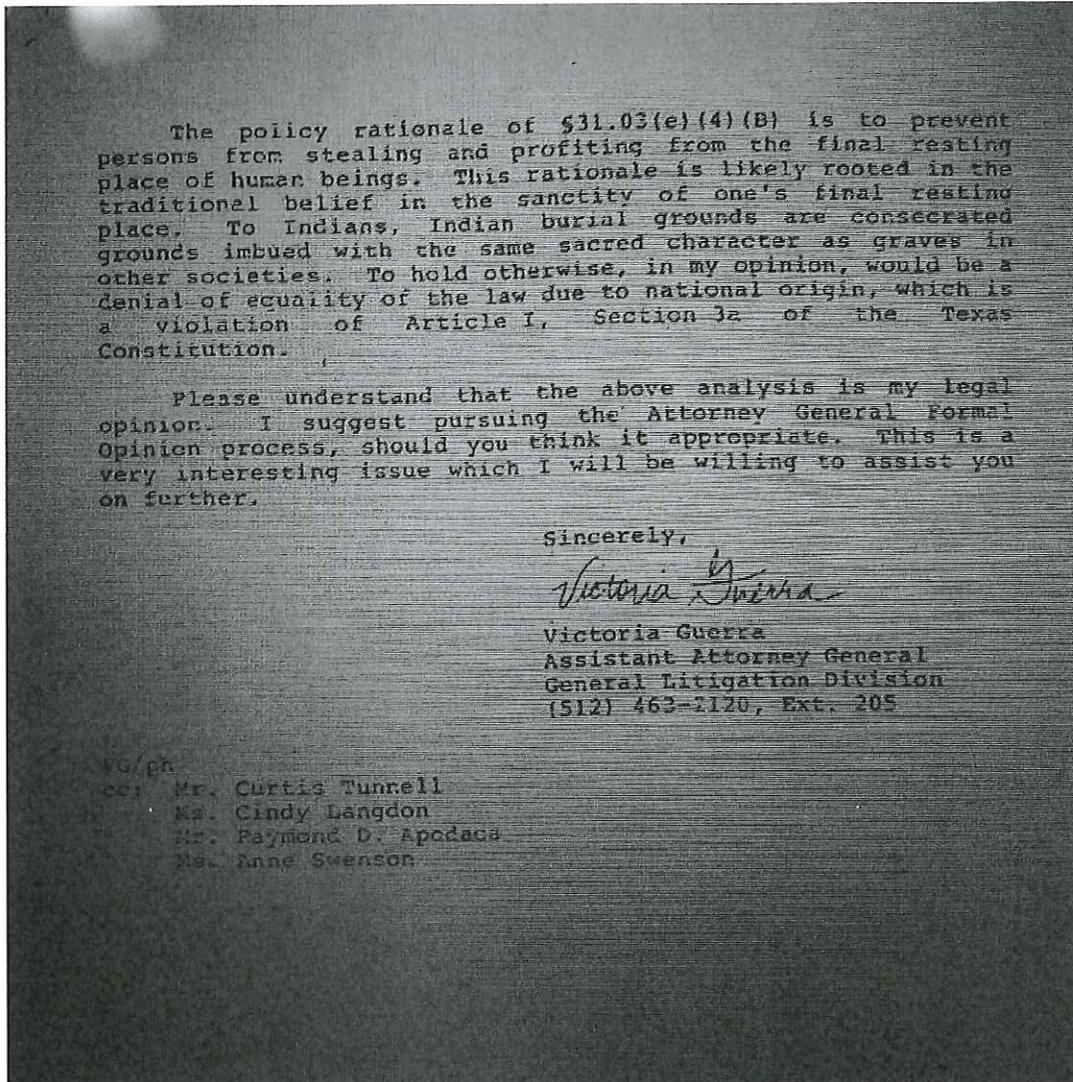


Figure 3: Texas Attorney General Opinion Letter Dated March 17, 1988 page 2

The opinion continued by stating, “the Penal Code criminalizes the abuse of a corps and the desecration of venerated objects, including places of burials”. On a final note in the opinion, the Texas Attorney General referenced Chapter 711 of the Health and Safety Code stating the code governs cemeteries (Rick Gilpin, Deputy Chief Opinion Committee in letter dated September 4, 1992; Figure 4 and Figure 5). The THC provides a weblink about Cemetery Laws regarding the Penal Code under Title 2 General Principles of Criminal Responsibility, Chapter 7 Criminal Responsibility for the Conduct of Another, Subchapter A Complicity, and the THC emphasizes the Health and Safety Code Chapter in general, which includes 711.052(a)(6)—the criminal penalty of removing remains from a plot without complying with Section 711.004 and subsection 711.004(a)(5) the requirement to obtain written consent from Next of Kin to remove human remains from a resting place. Publishing notices in a newspaper under Section 711.036 to remove the dedication of a cemetery and human remains from a resting place is the last effort to identify Next of Kin in addition to those efforts outlined under Section

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711.004(a). The Tribal Community of the Tap Pilam Coahuiltecan Nation are the Next of Kin that are living today. Members of the Tribal Community can demonstrate their genealogical descent back to early 18th-century mission birth and death records at a time prior to the arrival of other tribal groups, like the Comanche and Apache. The oral histories, genealogical record, Spanish Colonial written records, and archaeological record makes the tribal community culturally affiliated direct lineal descendant associated with their ancestors buried within the historic cemetery boundaries of Mission San Antonio de Valero (Alamo). The Tribal Community still venerate their ancestors on an annual basis at the Alamo, and they have been speaking for their ancestors prior to and during planned development projects at the Alamo, such as the 1988 Alamo Plaza Master Plan, the 1994 Alamo Plaza Study Committee Report and Recommendations to the City Council [of San Antonio], and the most recent Alamo Redevelopment Master Plan.

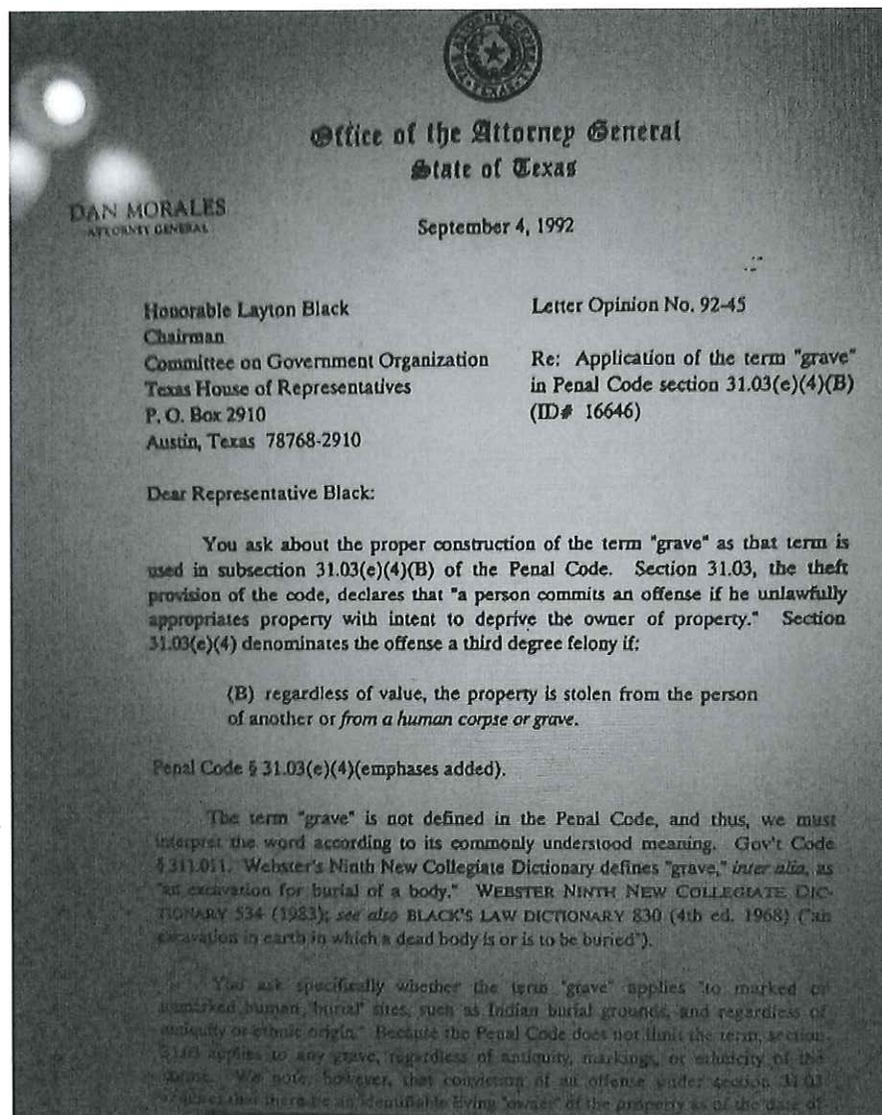


Figure 4: Texas Attorney General Opinion Letter Dated September 4, 1994 page 1

Honorable Layton Black Page - 2 (LO-92-45)

the alleged theft. *Wilson v. State*, 808 S.W.2d 587 (Tex. App.—Dallas 1991, pet. dismissed). Whether a particular location is in fact a "grave" is a question of fact which this office cannot answer in the opinion process.

Other Texas statutes apply to graves and dead bodies: Sections 42.09 and 42.10 of the Penal Code criminalize the abuse of a corpse and the desecration of venerated objects, including places of burial. Chapter 711 of the Health and Safety Code generally governs cemeteries, and section 711.001(13) defines "grave" in terms of "a space of ground that is in a burial park."

Because you ask specifically about Indian burial grounds, we also refer you to different statutes that relate to American Indian sites. The Antiquities Code of Texas, chapter 191 of the Natural Resources Code, declares a public policy in favor of and public interest in the location, protection, and preservation of certain sites "including but not limited to prehistoric and historical American Indian or aboriginal campsites, dwellings, and habitation sites, archeological sites of every character." Nat. Res. Code § 191.002. The Native American Graves Protection and Repatriation Act of 1990 provides for the protection and return of American Indian artifacts and bones found on federal land or tribal property. 25 U.S.C. § 3001 *et seq.*

S U M M A R Y

The term "grave" as used in section 31.03(e)(4)(B), Penal Code, means an excavation for burial of a body. The term is not limited by definition in the Penal Code and applies to any grave, regardless of ethnicity, antiquity, or markings.

Yours very truly,



Rick Gilpin
Deputy Chief
Opinion Committee

Figure 5: Texas Attorney General Opinion Letter Dated September 4, 1994 page 2

The first two plans concluded there was a cemetery inside and in front of the chapel, and the Coahuiltecan Bands at the mission were buried in as many as three to four cemeteries overtime within the general vicinity of the Alamo (Alamo Plaza Study Committee 1994:23). A general premise of these development plans is that construction may encounter the ashes and human remains of Texas Heroes and some evidence of intact or disturbed (disarticulated) human remains of mission Indians from the Spanish AITSCM Mission San Antonio de Valero Historic Texas Cemetery designation application ©2019 GTI Environmental, LLC 24

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Colonial Period. It should be noted that arguments in which disarticulated human remains does not represent a cemetery are disrespectful to people of other ethnic Coahuiltecan origins, who hold that the disarticulation of ancestral remains represents, either persistent Coahuiltecan mortuary practices of removing ancestors remains for reburial at new living locations, or the purposeful placement in the ground of individual body parts that fell off and died, like a tooth, or the desecration of those original ancestral burials by past and recent legal and illegal impacts. According to Coahuiltecan religious cosmology and mortuary practices, all inanimate and animate objects have a life force with a life span, then dies, and is buried where life ceased to exist, even something as small as a tooth (Ruecking 1953 and 1955). An unrecognized mortuary pattern has been documented where an isolated tooth was recovered at the temporary location of Mission Valero (Nichols 2015:52–53), situated between Milam Park and the San Antonio River, and the permanent Mission Valero location (Anderson 2017:123). Accordingly, the Tap Pilam Coahuiltecan Nation tribal community attaches cultural and religious significance of the Alamo grounds, the Mission San Antonio de Valero Historic Cultural Landscape, and within their Indian Tribal Lands.

The presence of so many sets of human remains in the general vicinity of the Alamo is understandable when considering the historic context of how and when the mission was established. According to the 1573 Ordinances of Discovery, New Settlement, and Peace, the Spanish Governor-Military Commander and Presidente of the Missionaries were required to consult and obtain the consent of the local tribal elders regarding the temporary and permanent locations of the villa and missions. General Pedro de Aguirre's 1709 entrada records indicated there were over 500 people living in the large Coahuiltecan Payaya Village (Tous 1930:5) at the San Antonio River. Ruecking (1954:330) demonstrated that up to 80,000 native people lived in the northeastern Mexico and south central Texas area in 1718. The archaeological record demonstrates the Coahuiltecan people have lived in the greater Central and South Texas area over 16,000 years (Waters et al. 2018). Previous archaeological studies have not developed their research designs from the Coahuiltecan, Spanish, and Tejano perspective that the 1718 native village had a long history, and the traditional tribal burial ground evolved overtime from the prehistoric period through the Spanish Colonial Period, which explains why there are so many sets of human remains in the general vicinity of the Alamo, some of which display Archaic Period burial practices, but those human remains in and around Alamo Plaza are Historic Period.. Comprehensive archival studies and archaeological historic cemetery delineation investigations have been commensurate and guided other development plans throughout Texas. These types of studies have yet to be completed at the Alamo, which is inconsistent with past precedent of these studies being completed prior to development projects breaking ground for the preservation of other cultural groups' heritage.

Archaeological Data Regarding Distribution of Human Remains

The overview report presents information about the known archaeological data regarding the distribution of human remains and funerary objects within the immediate surroundings of Mission San Antonio de Valero (Alamo Compound). This report uses the sources referenced in AITSCM's initial Historic Texas Cemetery designation application. Researchers have compiled specific references where human remains are mentioned in the report and noted the locations of the human remains on a map. The methodology for assessing and delineating historic cemetery boundaries is based on past precedent of THC recommendations for other large historic cemeteries associated with other cultural groups and other Native American cemeteries. In general, all evidence for the existence of a cemetery is noted on a map, which can be marked by formal and informal headstones, footstones, fencing, depression in the ground, documented human remains, disarticulated human remains, and even certain types of flower clusters (Lilies and Irises), as well as historic maps showing burial grounds. Qualified professional archaeologists with demonstrated local expertise and familiarity with the archaeological periods, who are not in violation of the Antiquities Code of Texas or the Health and Safety Code under Chapter 711.052(a)(6), have drawn a dashed-line around the evidence of burials to indicate the known written record extent of the cemetery. Consistent with past precedent established by the THC, the professional archaeologist makes recommendations that the project sponsor avoid the demarcated area within a 300 foot buffer. If avoidance is not possible, the THC has required formal excavation to determine the presence or absence of grave shafts or human remains to verify the cemetery boundary dashed-line (provisional boundary). Upon completion of the archaeological historic cemetery delineation study, the dashed-line can be verified or expanded and demarcated with a solid-line in the THC database to represent the archaeologically confirmed historic cemetery boundaries.

The Texas State Cemetery is an example where an unverified provisional historic cemetery boundary was approved by the THC's Antiquities Advisory Board in a Historic Texas Cemetery designation application. Later, comprehensive archival and archaeological studies confirmed the historic cemetery boundary extended beyond the modern fenced boundary into the street based on the presence of unmarked burials and human remains. The THC issued one antiquities permit for a single comprehensive archaeological data recovery effort within the historic cemetery redevelopment project for the Texas State Cemetery. Similarly, GTI proposes the following archaeological records demonstrate a provisional historic cemetery boundary that the THC's Antiquities Advisory Board can approve and verify later in order to facilitate planning decisions.

The following archaeological reports and historic records comprise the corroborating evidence for the existence of a historic cemetery within and outside the Alamo chapel, plaza, and historic mission compound footprint.

Robert Hard and other researchers prepared a historical overview of Alamo Plaza and Camposanto, which was prepared for the Department of Planning City of San Antonio.

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The 1836 Colonel Jose Sánchez-Navarro Map illustrates two cemetery location (Figure 6) As stated in the report,

“The church and cemetery are both denoted by “C” on the Sánchez-Navarro map. The C in the cemetery is also accompanied by a cross. The legend therefore describes the two Cs as “Iglesia arruinada con cementerio: sobre un explanada que se formó en el presbiterio de la misma, se colocó una bacteria alta de tres cañones, llamándola Fortín de Cos” (Ruined church with cemetery: on top of a platform which is formed in the presbytery in the same, is located a high battery of three cannons, named Fortín de Cos)” (Hard 1994:40)

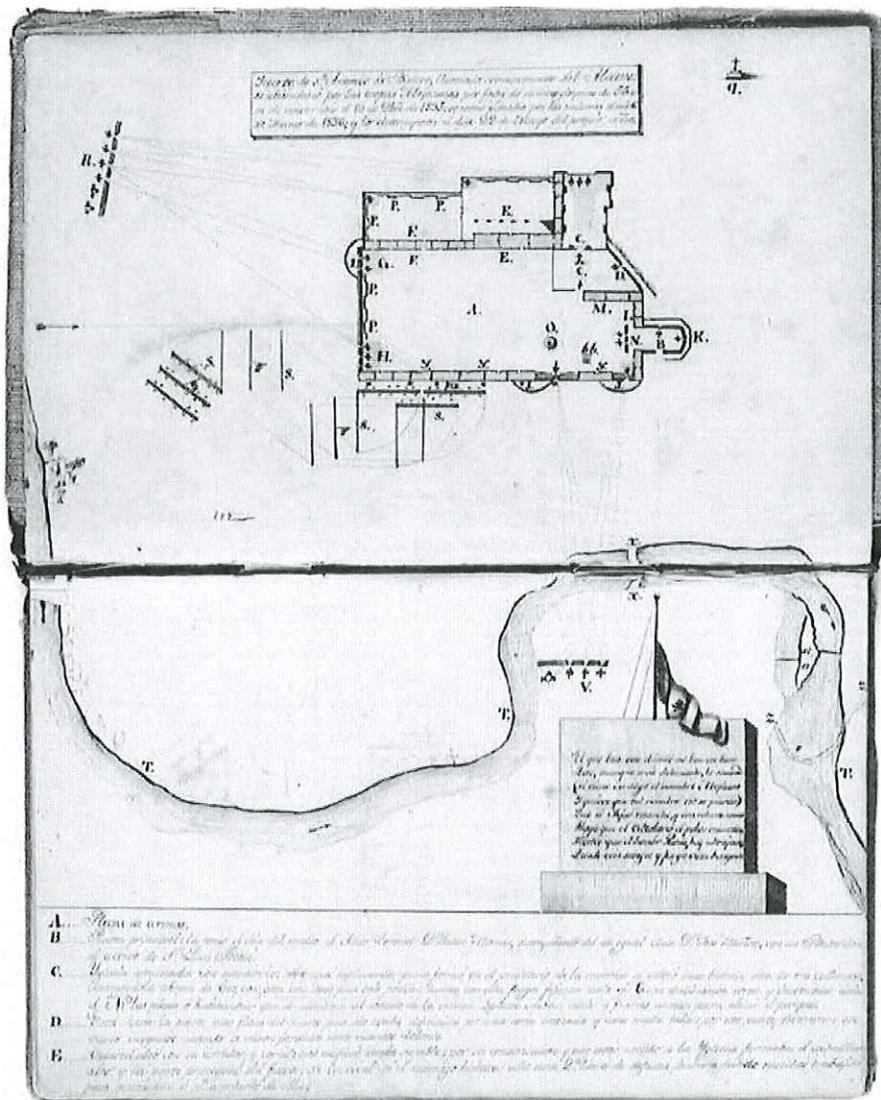


Figure 6: 1836 Colonel Jose Sánchez -Navarro Map

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As trained historical archaeologists, it is important to note that the document is an 1836 record of what Navarro saw above ground, and he illustrated the component on his map at a later date. Based on subsequent evidence of human remains in archaeology reports and historic newspaper account, Navarro did not realize the hidden history of the Coahuiltecan burial ground. The Catholic mission cemetery was a component of the overall evolutionary use of the burial ground by 18th-century missionaries and neophytes and earlier prehistoric Coahuiltecan clans.

As required by the Antiquities Advisory Board, THC staff, Carlyn Hammons, worked with AITSCM. Ms. Hammons provided “recommended lines of research to support HTC designation for the Mission San Antonio Valero”. She stated, “staff feels that focusing on the chapel has the greatest potential for a successful HTC designation. It appears this may be the only location where the evidence can support the existence of an HTC-eligible cemetery” (email dated February 15, 2019). Not realizing THC Archeology Division had already provided consultation letters to AITSCM to the contrary, Ms. Hammons referenced two 1890 comments by William Corner, which were discussed in Hard’s report (1994:45-48) describing burials within the chapel. In particular, Ms. Hammons referenced:

- 1890 William Corner burials found by soldiers while cleaning debris out of the old structure in 1848
- second reference “A later report appears much more reliable, ‘in a later year, March 28, 1878, other skeletons buried at an earlier and apparently more peaceful period, were unearthed in the Church, and a beautifully carved baptismal font was brought to light November 15, 1878” (Corner 1890:11; Hard 1994:45–48).

Ms. Hammons proposed research question more appropriate for a comprehensive archival study. While she conjectures the human remains noted in 1890 may have been removed, archaeological excavations in the chapel demonstrate the human remains are still present in the chapel. Corner’s reference to human remains within the chapel supports the delineation of the historic cemetery boundary to include the chapel.

Hammons (2019) does not mention the four burials found outside of the church at the corner of Alamo Plaza and Crockett Street. Anderson (2018:103-104), illustrates overlays of Sanborn Fire Insurance Maps that skip from 1912 to 1951, and these maps do not illustrate the location of garage where the burials were discovered and covered with concrete in 1920. A historic newspaper article from the San Antonio Evening News, dated Feb 14, 1920, described how workers found human remains while preparing the garage floor. The remains were described as crumbling. The 1920’s article described specifically that the jawbone, teeth, arm, hand, finger bones, and pelvis were intact and intentionally buried (Figure 7). The 1922 Sanborn Fire Insurance Map illustrated the location of the garage where the human remains were recovered (Figure 8). Researchers highlight the garage location with a red-line box. Ramon Vasquez, of AITSCM, provided two images that illustrated the location of the garage and the areas planted in front of the Alamo Shrine in shrubs and trees (Figure 9 and Figure 10). The first photo, from the 1961

HABS, illustrates a view looking south, and the photo is undated. The second photo provides an aerial blimp-view taken by staff of the San Antonio Light in 1931.



Figure 7: San Antonio Evening News 14, Feb 1920

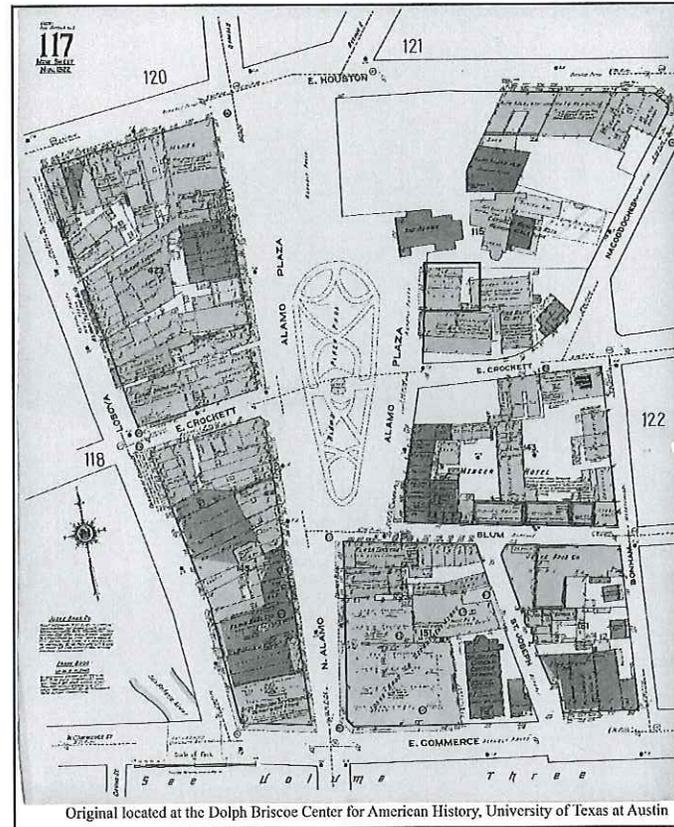


Figure 8: 1922 Sanborn Fire Insurance Map, Perry Castañeda Library Collection

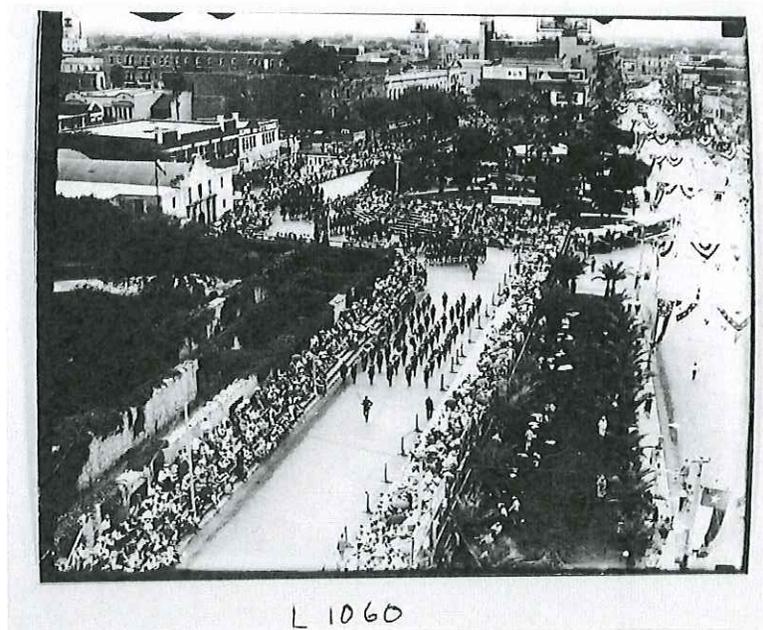


Figure 9: Undated Photograph Looking South at Alamo Shrine (1961 HABS)



1547-B Alamo Plaza, San Antonio, Texas 1931 [Photograph]
thru Aerial views of Alamo Plaza by Jack Specht,
1547-F The San Antonio Light staff photographer. Taken
from the Enna Jettick blimp, piloted by Lieut.
W.D. Bruie. San Antonio, Texas. 1547-B
published December 11, 1931. Photos were taken
earlier in the month.

4x5 b&w glass neg.

SOURCE: The San Antonio Light Collection
(PUBLIC)

Figure 10: 1931 San Antonio Light Aerial Blimp Photograph Looking North.

Hard (1994:48-49) discussed a San Antonio Express article, dated July 17, 1934, that described finger bones of an individual were unearthed when WPA was planting shrubs in front of the chapel. He correlates the location with Ivey's (1992) first location of the chapel. Ramon Vasquez provided a newspaper article from the McAllen Daily Press, dated July 19, 1934, that corroborates the San Antonio Express article, but described the location as alongside the old convent (Figure 11).

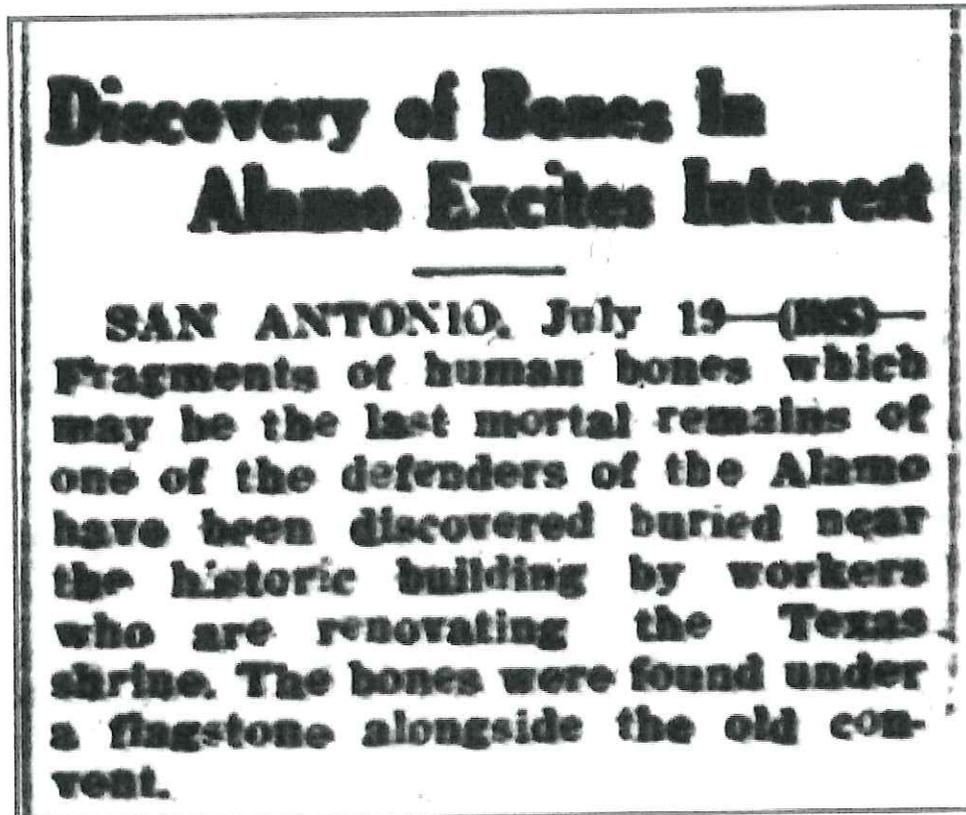
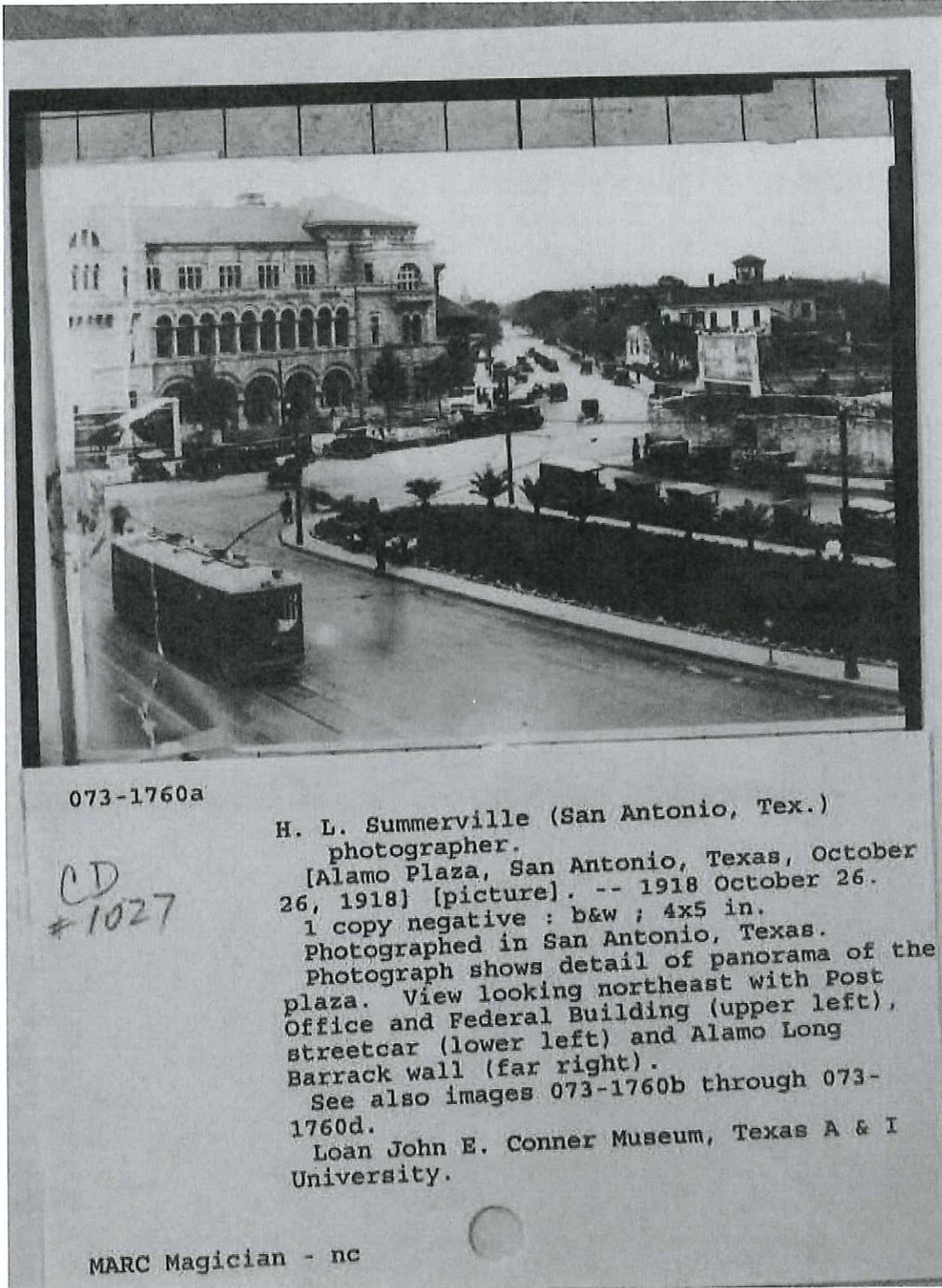


Figure 11: McAllen Daily Press July 19, 1934

Hard (1994:49-51) addressed the initial discovery of Native American burials that had rosary beads as funerary objects, which were part of the burials at the southeast corner of the old post office. The area had been dedicated to Theodore Roosevelt. It was initially believed there were 37 individual burials at this location, which were removed. These remains were reburied in the San Fernando Cemetery, in 1935. These burials were exhumed by David Glassman of Southwest Texas State University, who examined the human remains and reburied them at San Fernando Cemetery, in 1994. Glassman's (1994) analysis determined that there were at least 8 individuals possibly more, and that there were adult males, females, sub-adults, which ranged from infants to adolescents. The individuals were identified as Native American based on the frequency of shovel-shaped incisor teeth. Ramon Vasquez provided additional photos from the 1961 HABS documentation of the Alamo, as well as, other old newspaper images of the Alamo Plaza, old post office, and construction area of the new post office (Figure 12 through Figure 15).



073-1760a

CD
#1027

H. L. Summerville (San Antonio, Tex.)
photographer.

[Alamo Plaza, San Antonio, Texas, October
26, 1918] [picture]. -- 1918 October 26.

1 copy negative : b&w ; 4x5 in.

Photographed in San Antonio, Texas.

Photograph shows detail of panorama of the
plaza. View looking northeast with Post
Office and Federal Building (upper left),
streetcar (lower left) and Alamo Long
Barrack wall (far right).

See also images 073-1760b through 073-
1760d.

Loan John E. Conner Museum, Texas A & I
University.

MARC Magician - nc

Figure 12: 1918 Old Federal Building and Alamo Plaza



83-481 Alamo Plaza, San Antonio, Texas ca. 1912 [REDACTED]
[Photograph]

North side of Alamo Plaza, post office on
left, ruins of the "Long-Barracks" at the Alamo
on right. San Antonio, Texas. ca. 1912 [REDACTED]

4x5 b&w copy neg.

SOURCE: Estate of Robert Moss Ayres, San
Antonio, Texas. (PUBLIC)

CD 1319

Figure 13: 1912 Alamo Plaza and Post Office



0896-B Post Offices--San Antonio, Texas 1935 [Photograph]
Construction site of new post office. In
background is Medical Arts building. Steel
framing is shown. San Antonio, Texas. Published
December 10, 1935.

4x5 b&w glass neg.

SOURCE: The San Antonio Light Collection
(PUBLIC)

Figure 14: 1935 Alamo Plaza and Post Office Construction Area

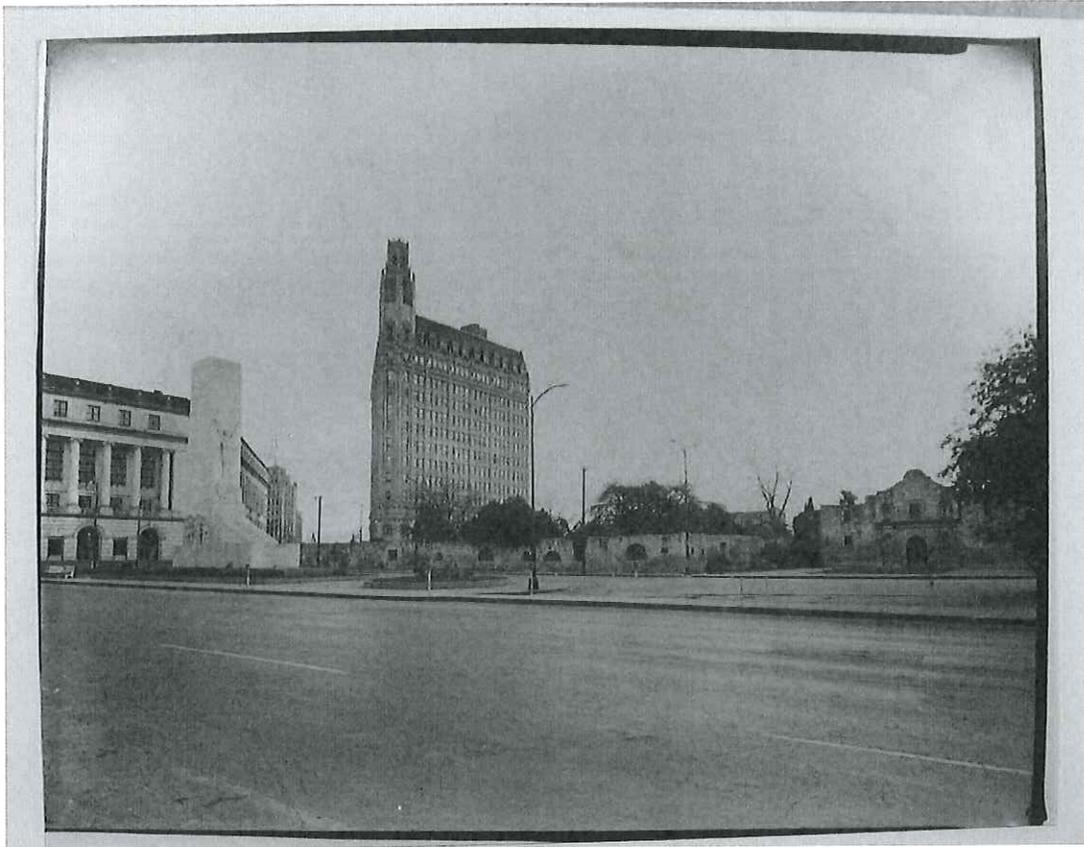


Figure 15: View of Alamo Plaza, Post Office (1961 HABS)

Hard (1994:54) discussed Ann Fox's 1979 excavations for reconstruction of the north wall, which encountered a human skull. She posited the human remain represented "a possible participant of the Battle of the Alamo," because it was found within the fill of the defensive trench (Ivey and Fox 1997).

Presented below is other additional supporting documentation provided by Ramon Vasquez and the American Indians of Texas at Spanish Colonial Missions. Vasquez pointed out in the evidence AITSCM submitted for the existence of a cemetery that the 1764 Luis Antonio Menchaca Map depicted a cross within a box along the outside edge of north compound wall of Mission San Antonio de Valero (Figure 16 and Figure 17). Anderson (2017:38,201) based the conjectured compound north wall on Ivey's research locating the northwest corner of the compound wall near today's Peacock Alley and North Alamo Street. Anderson's (2017:38,201) report included figures that illustrated Ivey's conjectured compound wall. The first illustration depicted areas of known or high potential for human remains, and the second illustration documented the locations of previous archaeological excavations (Figure 18 and Figure 19). Based on Ivey's documentation of the north wall and the 1764 Luis Antonio Menchaca Map, there is a high probability additional human remains are present outside of the north wall. As previously discussed, Our Lady of Lake University has a 1746 ecclesiastical document where padres debated burial locations for non-baptized Natives, and that they must be

buried outside of the Mission Compound. This information extends the area of potential burials beyond the areas proposed by Anderson (2017:38).

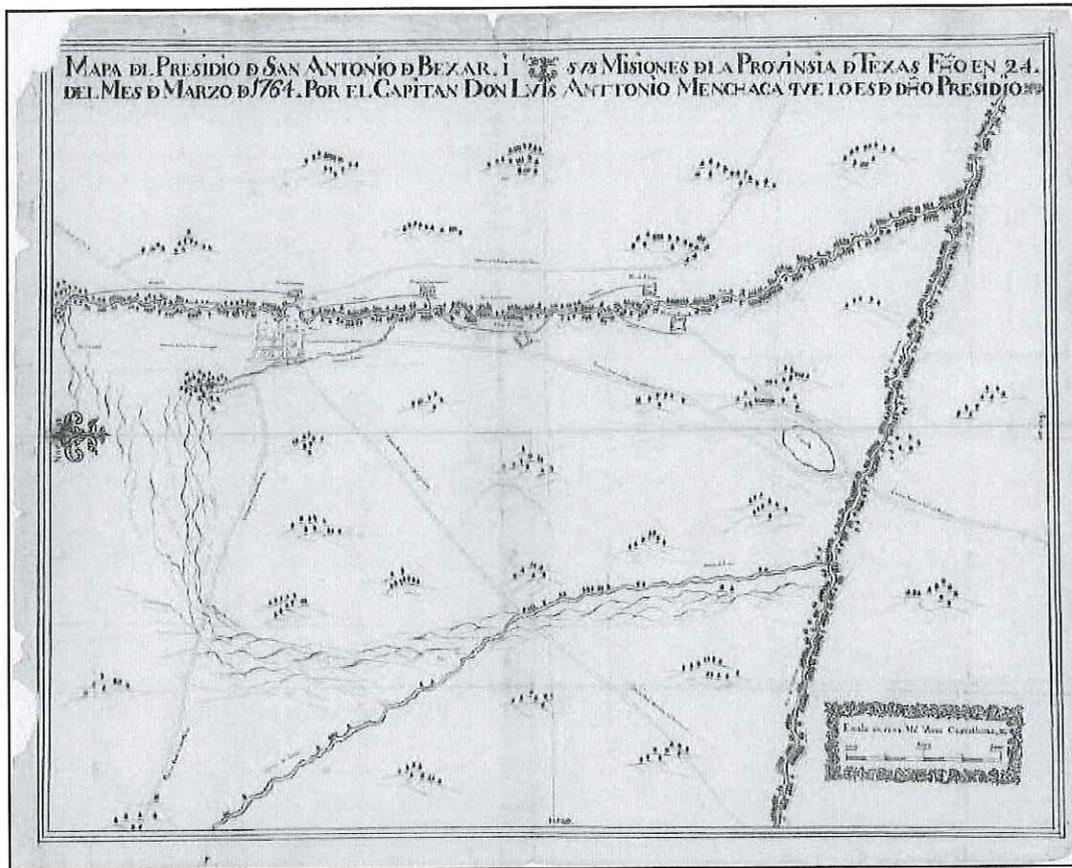


Figure 16: 1764 Luis Antonio Menchaca Map

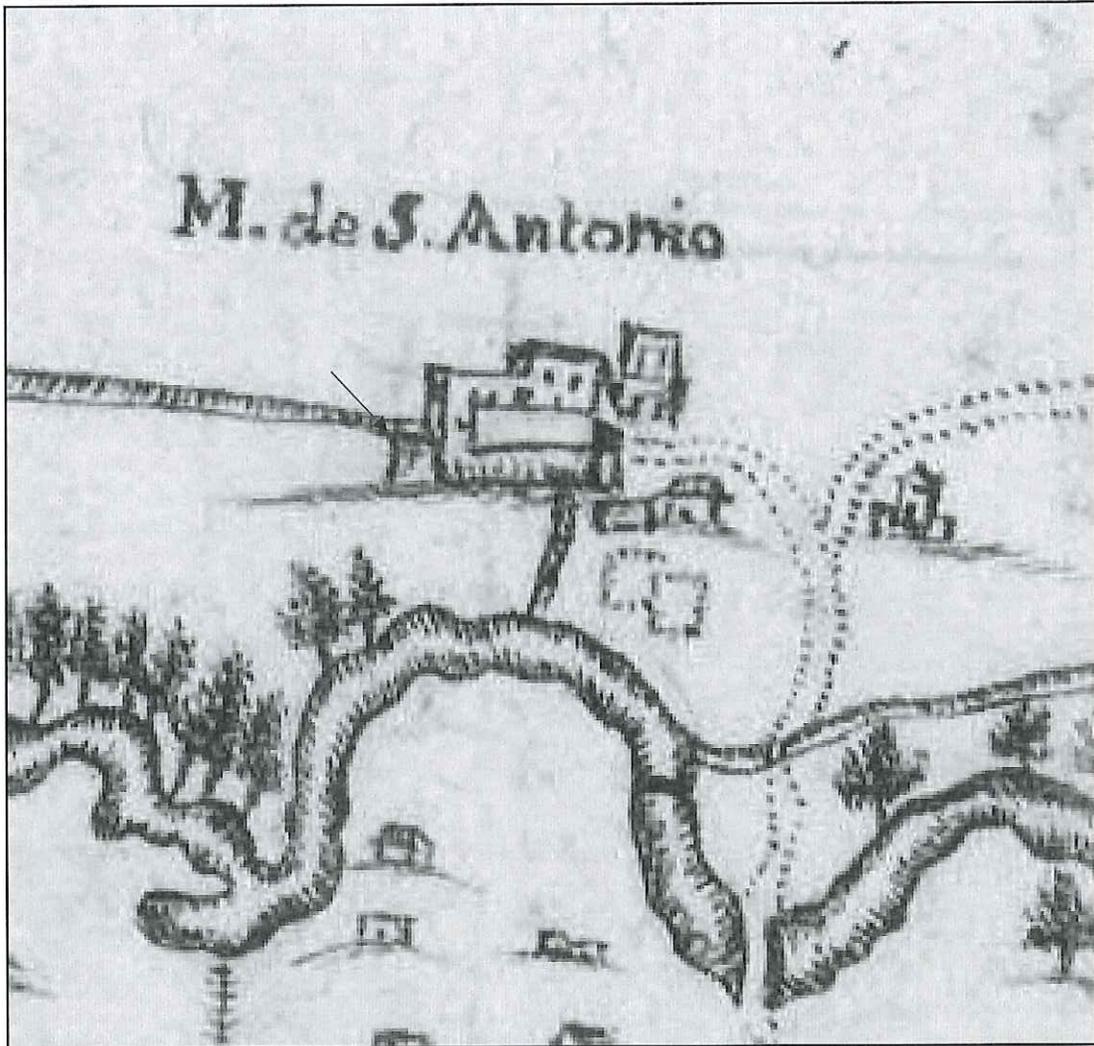


Figure 17: 1764 Luis Antonio Menchaca Map Close-up

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The next article in the collection provided by Ramon Vasquez was from the El Paso Herald entitled *Human Bones of Alamo Defenders Unearthed*, which was dated June 26, 1908. The article stated, "A number of bones which are believed to be parts of the skeletons of heroes who fought for Texas independence during the struggle at the Alamo, have been unearthed on the site of the artesian well which colonel C.C. Gibbs is having drilled on Avenue D, opposite the post-office" (Figure 21). The 1912 Sanborn Fire Map illustrated the location of the Gibbs building on Avenue D opposite the post office and shows the location of a hose within the building (Figure 22).

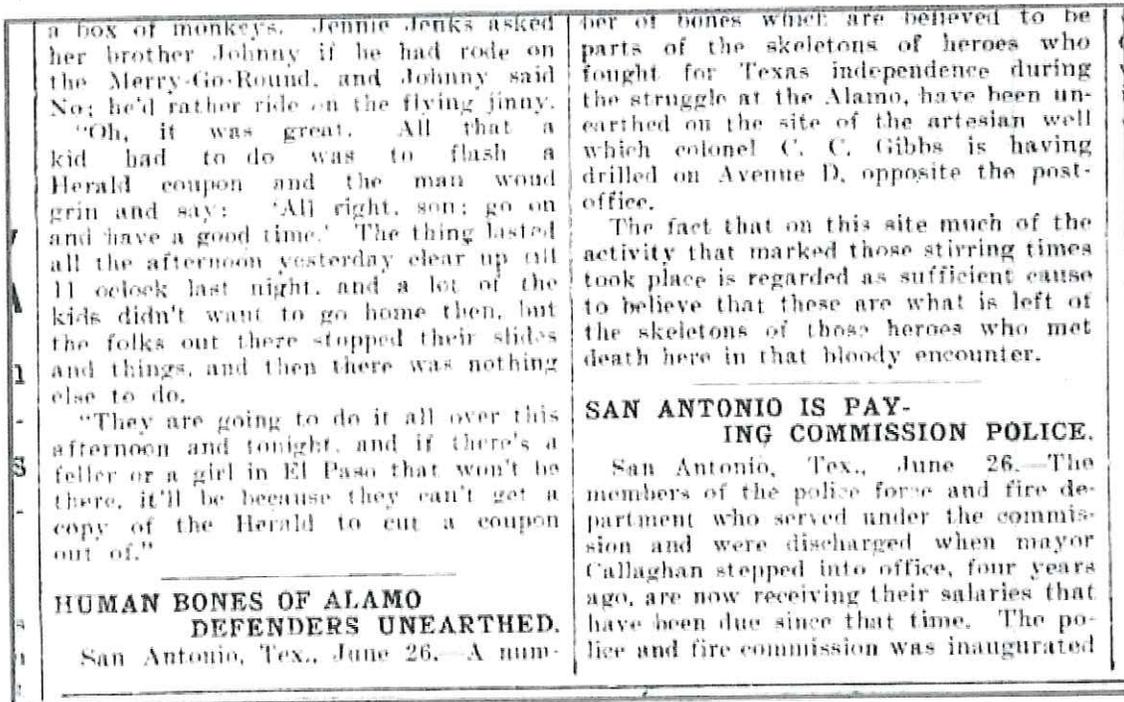
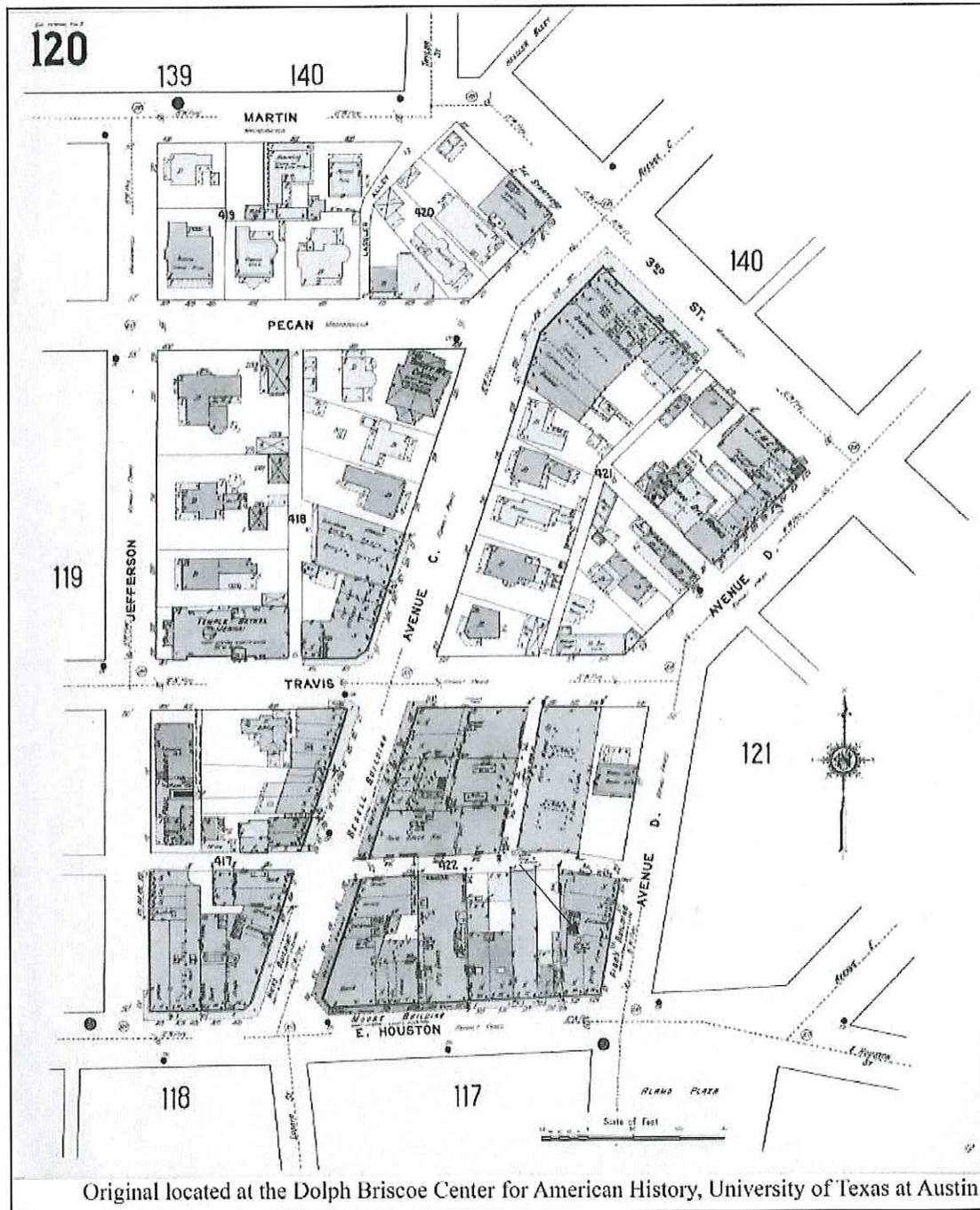


Figure 21: El Paso Herald June 26, 1908, Gibbs and Avenue D location.



Original located at the Dolph Briscoe Center for American History, University of Texas at Austin

Figure 22: 1912 Sanborn Map Gibbs Building.

The Austin American published an article on January 6, 1937 entitled *D.A.R. Goes into Session after Bones of Defenders of Alamo are Unearthed* (Figure 23). The article described locational information, as well as, human remains from several individuals. The article stated that “Workman discovered the remains while excavating in the Alamo grounds. The bones, including a hip joint, several arm and leg bones and part of three skulls, were recovered by Miss Ruth Small daughter of Mrs. Leita Small, AITSCM Mission San Antonio de Valero Historic Texas Cemetery designation application ©2019 GTI Environmental, LLC 42

custodian of the shrine.” The 1931 San Antonio Light Aerial Blimp Photograph (see figure 10), presented earlier, demonstrates how the area in front of the chapel was used for parking spaces. Therefore, the “Alamo Grounds” would be within the area east of the chapel and barracks.

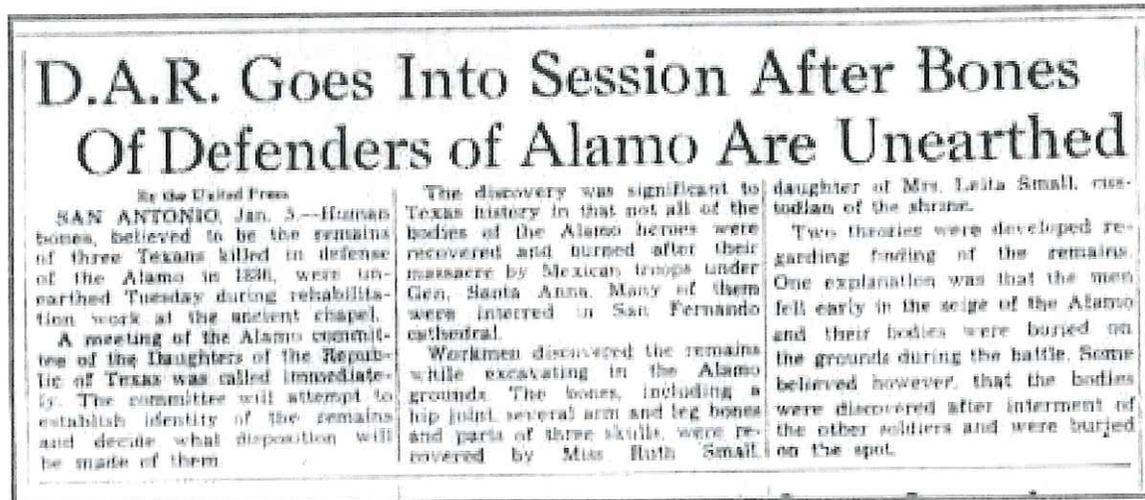


Figure 23 The Austin American January 6, 1937 Alamo Grounds

Based on the available archaeology reports and historic newspaper articles that show and describe the locations of human remains, GTI has prepared Provisional Historic Cemetery Delineation topographic and aerial maps (Figure 24 and Figure 25). The maps show the locations of where human remains have been found, which are corroborating evidence for the historic cemetery delineation within a dashed-line, which indicates the provisional quality of the outlined cemetery boundary. Each of the human remain location are presented with source information data for review and correlation with figures within this overview report.

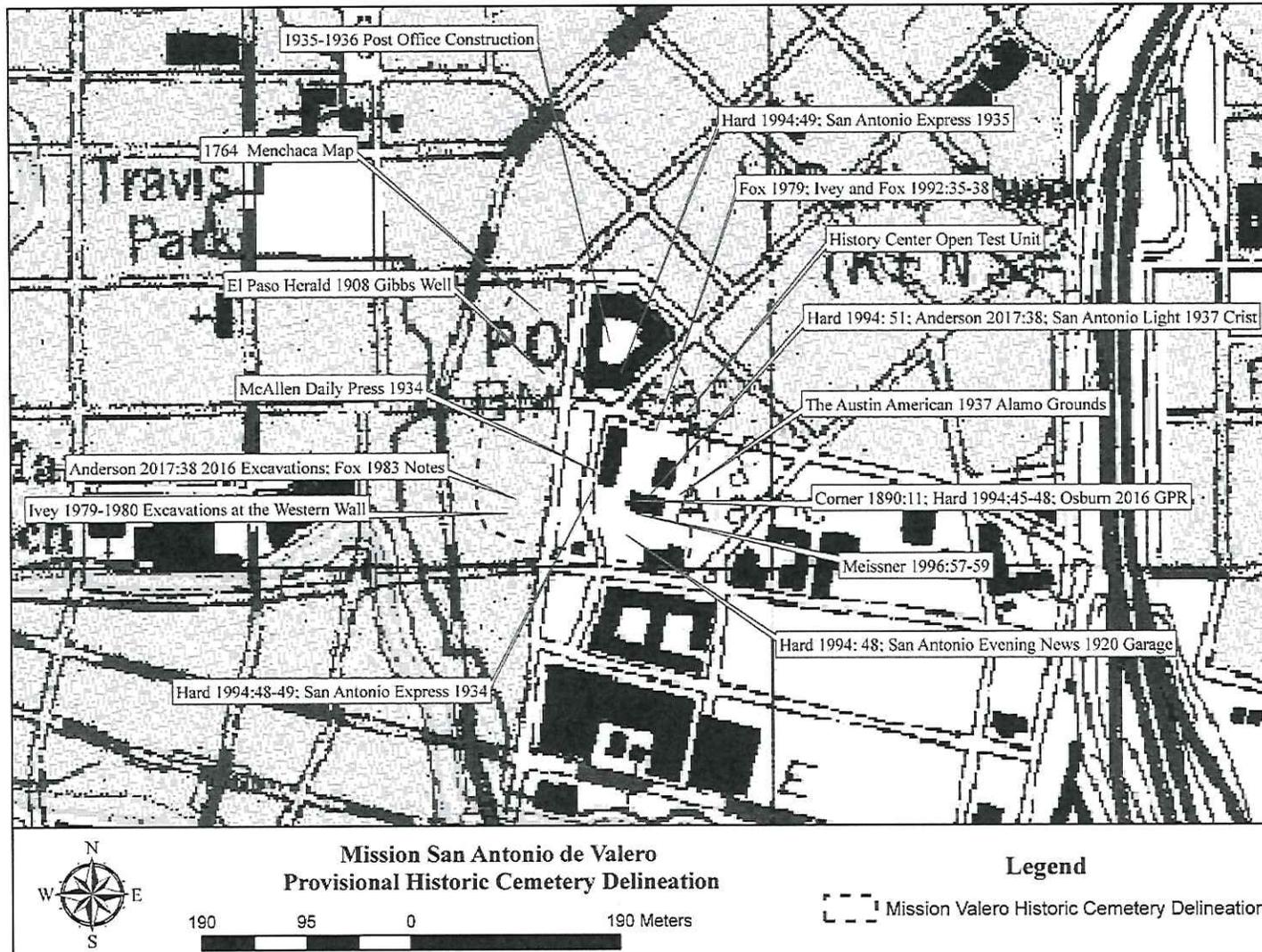


Figure 24: Topographic Map of Provisional Historic Cemetery Delineation

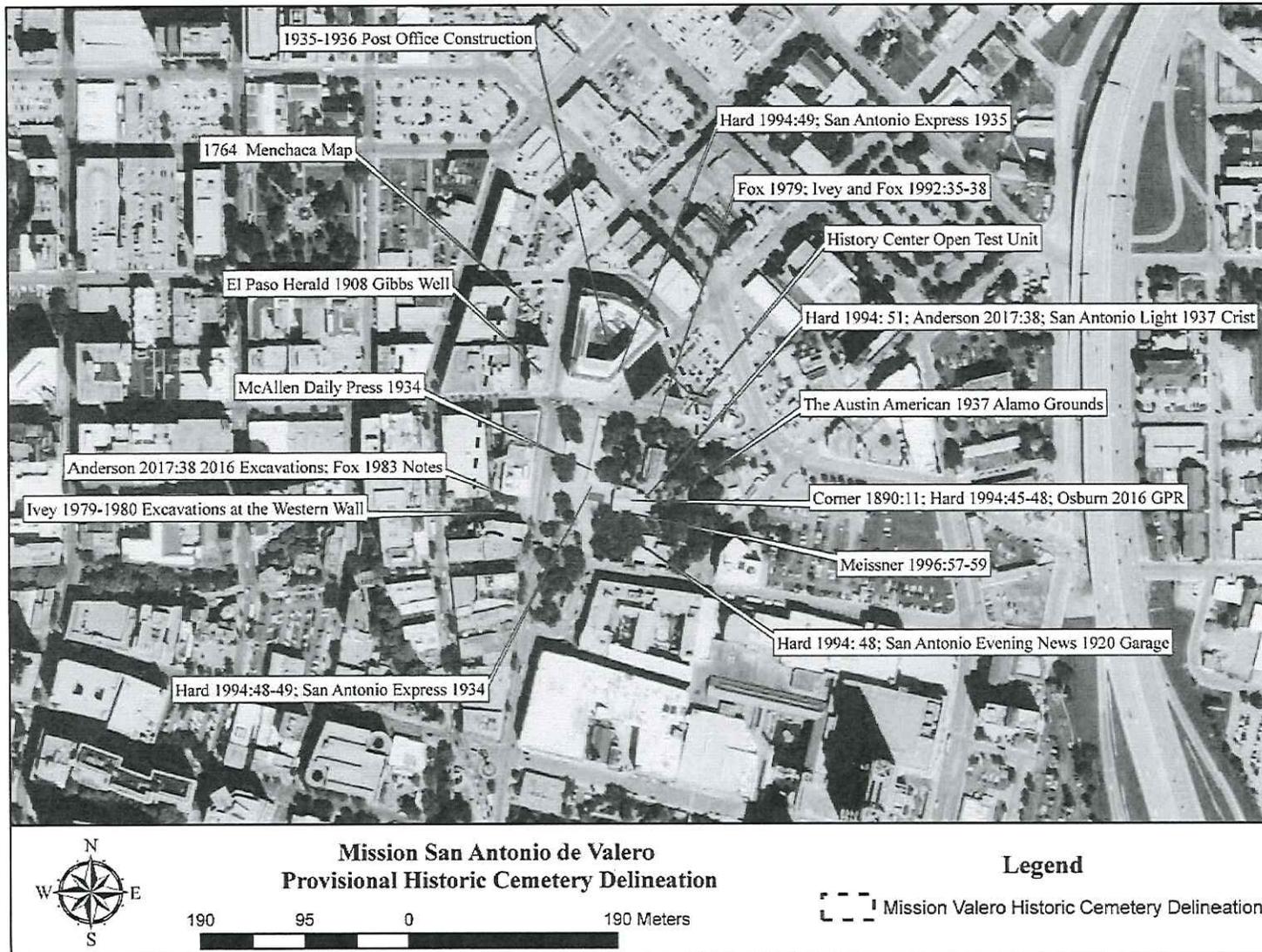


Figure 25: Topographic Map of Provisional Historic Cemetery Delineation

Significance of Mission San Antonio de Valero's Historic Cemetery

The Overview Report presents information that reflect the current knowledge of unrecognized significance of Mission San Antonio de Valero's historic cemetery within the context of the mission's historic cultural landscape and historical narrative. Preserving historic cultural landscapes is a focus of THC's Statewide Plan under Goal-2, which is a significant juncture in time when Spain established Mission San Antonio de Valero on May 1, 1718 along with the Villa de Béxar and the Presidio de Béxar on May 5, 1718, which received a royal cedula on June 11, 1718 (Hoffman 1935:37). The mission's historic cultural landscape included agricultural land and pastoral lands, which were essential for the birth of the cattle industry in the Provincia de Tejas and the Texas connection with the American Revolutionary War effort.

In 1778, the Marquez de Croix arrived in the Villa de Béxar to develop a Native American policy for the protection of the cattle industry. The impetus for the policy was the surreptitious agreement between Carlos III and the Continental Congress to provide supplies of funds, arms, ammunition, soldiers, and 18,449 head of cattle for the American Revolutionary War effort (Thonhoff 1981). The Spanish missions had agricultural lands and pasturelands. Mission ranchos were located at the periphery of the pasturelands. The local Coahuiltecan clans were sophisticated naturalists, and Spanish chroniclers documented the area around San Pedro Springs had acequias by the time the Spanish arrived in the San Antonio area. The local population and Spaniards constructed acequias in the agricultural fields and pasturelands near the ranchos. The missions were located along El Camino Real. Each of these components, along with the Alamo chapel, plaza, and historic cemetery comprise Mission San Antonio de Valero Historic Cultural Landscape. By 1762, El Monte, or Monte Galvan, a Mission Valero rancho maintained a consistent settlement pattern where a stone house and chapel were associated with the mission rancho. Mission San Antonio de Valero's "ranch extended from Salado Creek, on the west, to Cibolo Creek, on the northeast, and possibly to Martinez Creek, in eastern Bexar County" (NPS 2011:201). The historic cultural landscape is discernable and identifiable in the archival record, and many elements of these components are documented in the archaeological record. The archaeological data, however, has yet to be synthesized from this research question. By understanding the nature of the historic cultural landscape, researchers and citizens of Texas can gain a better understanding of the ancestors buried within the historic cemetery boundary. A synthesis of the Mission Valero burial records in the context of a comprehensive archival study, can facilitate the GLO's and the City of San Antonio's good faith effort to identify the Next of Kin in order to obtain their written consent to remove articulated and disarticulated human remains.

While the THC consultation letters with the Alamo Trust, Inc. dated December 4, 2018 envision the Alamo can be considered as a network of Texas Revolution sites connecting with San Felipe, Goliad, Washington on the Brazos, Gonzales, San Jacinto, and other related sites, Mission San Antonio de Valero was also integral in contributing towards the 18,449 head of cattle for the American Revolution (Appendix A), and the

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Alamo can be connected with other Spanish settlements that contributed to the revolution, such as Mission Concepcion, Mission San Jose, Mission San Juan, Mission Espada, Fuerte del Cibolo, Mission La Bahia, Ranchería Grande, Mission Los Adaes (all in Texas), Appaloosa (in Louisiana), Pensacola, and St. Agustin (in Florida). The National Significance of the Alamo in the context of the American Revolution has yet to be fully realized and documented, and many of the Rancheros were mixed Coahuiltecan and Spanish, some of whom may be buried in Mission San Antonio de Valero's historic cemetery boundary. Many of the Texas settlers who came in 1836 intermarried with the Spanish and Tejano families, who were here before, and their connection with the American Revolution and their stories have yet to be told. Only comprehensive archival studies can address the nationally significance questions for Texas history.

Conclusions and Recommendations

According to the THC's Atlas database, under the Antiquities Code of Texas the THC has required comprehensive archival studies and archaeological historic cemetery delineation investigations to fully address concerns regarding cemetery boundaries and unforeseen adverse effects to human remains, funerary objects, and cultural material assemblages for projects of a similar nature with large cemeteries within an urban setting. Such requirements were applied to the Texas State Cemetery, Allen Parkway Village Cemetery, and Freedman's Cemetery projects, to name a few Historic Non-Aboriginal Cemeteries. To date, despite the numerous antiquities permitted archaeological investigations in the Alamo Plaza area, an archeological site trinomial number never has been assigned to this Historic Aboriginal Cemetery, and its' significance has not been addressed for consideration regarding preservation, or protection from Adverse Effects by the Alamo Redevelopment Master Plan project sponsors.

The AITSCM submitted documents along with their Historic Texas Cemetery designation application for the Mission San Antonio de Valero cemetery. GTI has reviewed the documents, analyzed the archaeology reports, master plans, THC consultation letters, historic newspaper articles, additional historic maps, and Texas Attorney General Opinion letters. In particular, the previous archaeological investigation reports and historic newspaper articles made specific references to the discovery and location of human remains, and the historic maps show burial ground areas outside Alamo Plaza adjacent to the U.S. Post Office not yet considered in recent archaeological investigations, emphasizing the urgency that a comprehensive archival study be complete prior to finalizing the Alamo Redevelopment Master Plan to plan according for the presence of human remains and funerary objects. GTI has collated the locations of recorded and published human remains on aerial and topographic maps. Commensurate with past precedent practices of defining provisional historic cemetery delineation based on a dashed-line surrounding the known locations of human remains within a cemetery context, GTI has revised AITSCM's initial historic cemetery delineation for the THC's Antiquities Advisory Board consideration, review, and approval. The limited archival research attained within this Overview Report does not represent a comprehensive archival study. The Overview Report indicates the potential to address important historic preservation issues yet to be incorporated into the Alamo Redevelopment Master Plan, particularly related to Mission San Antonio de Valero's historic cemetery.

It should be noted that arguments in which disarticulated human remains does not represent a cemetery are disrespectful to people of other ethnic Coahuiltecan origins, who hold that the disarticulation of ancestral remains represents, either persistent Coahuiltecan mortuary practices of removing ancestors remains for reburial at new living locations, or the purposeful placement in the ground of individual body parts that fell off and died, like a tooth, or the desecration of those original ancestral burials by past and recent legal and illegal impacts. According to Coahuiltecan religious cosmology and mortuary practices, all inanimate and animate objects have a life force with a life span, then dies, and is buried where life ceased to exist, even something as small as a tooth (Ruecking 1953 and

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1955). An unrecognized mortuary pattern been documented where an isolated tooth was recovered at the temporary location of Mission Valero (Nichols 2015:52–53), situated between Milam Park and the San Antonio River, and the permanent Mission Valero location (Anderson 2017:123). In the past, archaeologists have concluded the presence of a single tooth or a human bone was indiscriminate, which implied lack of care and respect for the deceased. In reality, there is not one ethnographic record that demonstrates the Coahuiltecan clans indiscriminately discarded their loved ones bodies or bones. Accordingly, the Tap Pilam Coahuiltecan Nation tribal community attaches cultural and religious significance of the Alamo grounds, the Mission San Antonio de Valero Historic Cultural Landscape, and within their Indian Tribal Lands.

It is GTI's recommendation that the THC's Antiquities Advisory Board approve AITSCM's Historic Texas Cemetery application with a provisional boundary as drawn in this report that can be verified, or expanded, upon the completion of a comprehensive archival study and archaeological historic cemetery delineation investigation carried out by the General Land Office of Texas and the City of San Antonio "before breaking ground" in the Alamo Redevelopment Project area, in accordance with the Antiquities Code of Texas and the Health and Safety Code under Chapter 711.004(a)(5).

GTI also recommends that the Antiquities Advisory Board direct:

1. the THC executive director and staff to require the Texas General Land Office and the City of San Antonio to complete the comprehensive archival and archaeological historic cemetery delineation studies prior to any ground disturbance associated with the project development, as THC has required for other Non-Aboriginal cultural groups' historic cemeteries in the past.
2. the Alamo Trust, Inc. human remains protocols be revised to include requirements under the Health and Safety Code Chapter 711.004(a)(5), which requires Alamo Trust, Inc. to make a good faith effort to identify the Next of Kin and obtain written consent to remove human remains (articulated or disarticulated) from their resting place.
3. THC staff to require that the comprehensive archaeological historic cemetery delineation investigation be carried out by a qualified professional historical archaeologist and investigative firm that has demonstrated work experience in the earliest history of the Spanish Colonial Period related to the missions, experience working lineal descendant groups who trace their heritage to the settlement of San Antonio, experience working with Coahuiltecan clans associated with the Spanish Missions, knowledge of Spanish archival records, and who are not in violation of the Antiquities Code of Texas, or the Health and Safety Code under Chapter 711.052(a)(6), or NAGPRA Inventory Requirements, or transporting human remains (whole or in part) across state lines for unapproved analyses without consultation with the Texas Historical Commission, appropriate federal agencies, Tribal representatives, and descendant Next of Kin written consent.

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No Author

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Appendix A: Consultation Letters & Archival Records



TEXAS HISTORICAL COMMISSION
P.O. BOX 12276 AUSTIN, TEXAS 78711-2276 (TELEPHONE) 512-463-6100 (FAX) 512-463-6095 (RELAY TX) 1-800-735-2989 (TDD)

May 31, 1994

Mr. Raymond Hernandez
Rt. 1, Box 76, B2
Comfort, TX 78013

Dear Mr. Hernandez:

Thank you for providing us with copies of your research during your recent visit. I have never doubted that hundreds of individuals were buried in an around Mission San Antonio de Valero during its long history. Records kept during the Spanish period certainly confirm this. Although many burials may have been disturbed or destroyed during interviewing years, I would prefer to see those remaining, left undisturbed.

For many reasons, I would prefer to see the streets crossing Alamo Plaza closed permanently. This would reduce danger, noise, and pollution for visitors and for the monument itself. It would also be appropriate to add a great deal more interpretation of the rich history of this landmark, including the presence of human burials associated with the mission church.

You have also made good progress in researching your family genealogy, and I wish you well in that endeavor.

Sincerely,

Curtis Tunnell
Curtis Tunnell
Executive Director

Fax Transmittal Memo		# of Pages	1
To: Mr. Raymond Hernandez	From: Laura Allard		
Co.:	Co.:		
Dept.:	Phone # 512/463-6100		
Fax # 210/494-9337	Fax #		

RCPX14

The State Agency for Historic Preservation

GTI Environmental, LLC

1

"American Indians in Texas -- At The Spanish Colonial Missions"

430 Mission Rd.

San Antonio, Texas 78210

Texas Historical Commission
Curtis Tunnel
Executive Director
P.O. Box 12276
Austin, TX 78711-2276

Dear Mr. Tunnel:

I personally want to thank you for your letter in opposition to the Alamo Plaza East dig and also your support for the permanent closure of this street.

As you recall, at our last meeting with Robert Mallouf, State Archeologist, in attendance, Joel Silva and myself provided you with the burial records of the Mission San Antonio de Valero from 1703 to 1782. These records show the names and the tribes of these Native Americans, along with the dates they were given their last rites and were buried.

We also provided your organization with a blow-up photograph of the actual book from which these names and information were taken from. We also shared with you the baptismal records of all these individuals, and clearly, they were identified as Native Americans by the church records.

We all agreed with the conclusion that these are Native Americans buried in the mission and there are numerous descendants still living within the San Antonio area.

I can personally understand you wanting more proof that these human burials associated with the mission church are Native American people; therefore, I am enclosing the report from David M. Glassman, Ph.D., Department of Anthropology, Southwest Texas State University, dated February 21st, 1994, with the heading, "Description and Interpretation of Skeletal Remains from the burials on Alamo Plaza, San Antonio, Texas," which clearly substantiates what myself and the American Indians in Texas at the Spanish Colonial Missions have always maintained, that these are Native American burial grounds, "Campos Santos."

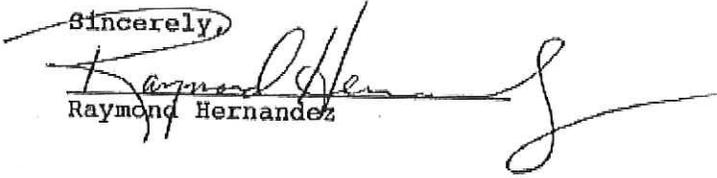
LOS COAHUILTECOS

We must have this acknowledgment in order to protect our identity as the indigenous people to these lands so that the history of these missions can be told more accurately. It is a crime to continue to suppress the truth about the identity of these Native Americans whose only crime is that they have more than one Indian source of blood. It is a tragedy for history not to mention Carlos, a Ziguana Indian, who is referred to as a Vaquero (Cowboy), killed by the Apaches and buried at the Mission in 1738.

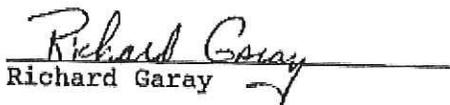
As you well know, there were over 200 different Indian tribes within these mission. It is therefore that I sincerely ask that your letter dated May 31st, 1994 be revised to state, "the presence of Native Americans associated with the mission church," instead of saying, "human burials." This is a matter dealing with dignity and pride as a people that must be clarified at this time.

Thanking you in advance for your cooperation.

~~Sincerely,~~


Raymond Hernandez

Joel Silva


Richard Garay

LOS COAHUILTECOS

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October 18, 2018

Ramon Vasquez
Executive Director
American Indians in Texas at the Spanish Colonial Missions
1313 Guadalupe St. Suite 104
San Antonio, Texas, 78207

Re: Response to Concerns Addressed to the Alamo Citizen Advisory Committee on 8/27/2018 regarding the Alamo Master Plan Project.

Dear Mr. Vasquez

Thank you for your correspondence wherein you raise questions and issues regarding the above-referenced project. This letter serves as a response to your stated concerns from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), which is the state agency responsible for administering the Antiquities Code of Texas (ACT).

To address your primary concerns regarding the ACT permit for the Alamo Master Plan Project (Project), we have been in consultation with the General Land Office (GLO), the City of San Antonio (COSA), the Alamo Endowment, and the Alamo Master Plan group since the project's inception and the THC serves as a non-voting member of the Alamo Citizen Advisory Committee. To this date, we have issued one ACT permit (#7692) associated with the Project that covered the ground penetrating radar and archaeological investigations that occurred in the summer of 2016. The Principal Investigator, Nesta Anderson, PhD. (Pape-Dawson Engineering) has completed all permit requirements for ACT #7692, and there are currently no open ACT permits for archeological investigations associated with the Project.

To date, the THC has not received any additional ACT permit applications or scopes of work for the Project. Based on the proposed Ground Lease and Management Agreement for the Alamo Plaza between the GLO and COSA published online (<https://3snpdc2ba9m5uwuk62n8es84-wpengine.netdna-ssl.com/wp-content/uploads/2018/10/Proposed-Ground-Lease-and-Management-Agreement-October-4.pdf>), it is our understanding that both COSA and the GLO will be required to sign any future ACT permits associated with the Project as landowners. Furthermore, the THC will recommend that a single permit be issued for the Project which both landowners will sign. The ACT permit will be issued to a qualified Principal Investigator as defined by the Texas Administrative Code (Title 13, Part II, Chapter 26, Subchapter A, Section 26.4) who has developed the requisite research design that includes a scope of work and methodology. This research design must accompany the ACT permit application and will be reviewed by THC (Archeology Division) staff. THC staff will recommend that the Principal Investigator has demonstrated local expertise, familiarity with previous archeological investigations at the Alamo, as well as experience working with all interested parties associated with the Project.

Although you are correct that the official Landmark Designations for the Alamo do not include any cemeteries as contributing elements to the site's significance, the "Alamo Cemetery" (Cemetery ID BX-C299) was recorded in 2005 during a Bexar County cemetery survey and appears on the THC's Historic Sites and Archeological Sites Atlases as occupying the totality of the current Alamo Plaza. The THC is aware that previous investigations have located human remains within and beyond these boundaries, and the THC agrees that the potential to encounter human remains within the Project area should be a primary concern for the Project. According to the aforementioned lease agreement, the GLO:

shall comply with all applicable local state and federal laws, rules, and regulations applicable to the operation and management of a historical, culturally significant site on the Premises under the Lease, including but not limited to the state and federal antiquities codes and health and safety codes (Section 6.06).

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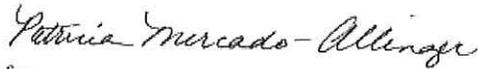
Page 2
Vasquez letter
October 16, 2018

Because the Alamo is a State Antiquities Landmark and because the property is owned by a political subdivision of the state, the Project will be required to comply with the Antiquities Code of Texas, and the THC will ensure that the research design discussed above will include a methodology that has a comprehensive human remains protocol. Your further concerns regarding cemetery boundaries and unforeseen adverse effects to human remains and archeological deposits cannot be fully addressed by THC until a comprehensive archeological and archival study has been completed. The THC recommends that the Project should take all future and previous archaeological investigations into consideration when designing specific impacts to minimize any adverse effects.

Finally, to our knowledge, the Project is not receiving Federal funds or permits. As a result, the Project is not considered a Federal Undertaking subject to Section 106 of the National Historic Preservation Act (NHPA) and the consulting party provisions of the NHPA do not apply. There is no process for identifying consulting parties under the Antiquities Code of Texas. You, and any other individual wishing to express an opinion either individually or on behalf of an organization, are welcome to do so at any quarterly meeting of the Texas Historical Commission, or by mail or email.

Thank you for your concerns and for your efforts to preserve the irreplaceable heritage of Texas. **If we may be of further assistance, please call or email Casey Hanson of our staff at 512/463-5915 or Casey.Hanson@thc.texas.gov.**

Sincerely,



for
Mark Wolfe, State Historic Preservation Officer

MW/ejh

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TEXAS HISTORICAL COMMISSION
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December 4, 2018

Douglas W. McDonald
CEO, Alamo Trust, Inc.
321 Alamo Plaza, Suite 200
San Antonio, TX 78205

Lori Houston
Assistant City Manager
506 Doloresa, Bldg. #2
San Antonio, TX 78204

Dear Mr. McDonald and Ms. Houston,

Thank you for attending and presenting the Alamo Master Plan at the quarterly meeting of the Texas Historical Commission in Laredo last month. I have been asked to respond on the commission's behalf. These comments are based on the slides you shared at the meeting and other information you communicated in the course of your presentation. If there is a written plan, or any detail beyond those slides, it will not be addressed in this letter, but would be welcome.

The "5 Key Elements of the Alamo Master Plan" are certainly important to any successful preservation and interpretation project at this World Heritage Site. How each of these is carried out will, of course, be carefully scrutinized by this agency as well as by members of the public.

The need for finding a better way to express the original perimeter of the Alamo is clear, as is the need for establishing a world-class visitor center and museum. The importance of creating a positive visitor experience from the moment people enter the site through their entire stay should continue to be a major focus of these efforts. We therefore support the suggestion that a formal point of entry be established for visitors during operating hours. Although we recognize that visitors might choose to roam the site and experience it haphazardly, they should be offered a more meaningful path that provides quality orientation and wayfinding opportunities, as the Master Plan provides.

Street closures can have a significant impact in any community. In a Spanish colonial city like San Antonio, where winding streets intersect at unusual angles with a grid laid down by later surveyors, street closures are even more problematic. The street pattern is also a significant part of urban history, and closing streets can create a confusing landscape, with buildings designed to face streets facing, instead, parks or plazas. In this instance, street closures will allow some expression of the location of the original walls of the Alamo. We suspect that, for purposes of maintaining access by emergency vehicles if for no other reason, there will be some expression of the location of the existing street pattern. If that isn't part of the plan, we would urge that you consider using varied paving surfaces or some other visual clue so that this chapter of the city's history isn't lost.

The current plan indicates that there is still an intent to lower the ground surface in the plaza area, although not as far as was initially contemplated. For this, and for all components of the Master Plan that will require ground disturbance, we want to remind you that we continue to have concerns for the archeological resources likely to exist below the current surface. You are already aware of the potential for human burials in some locations within the complex, and we understand that the archeological team is working on a permit application that will include a plan for dealing with any unanticipated discoveries. We look forward to working with the Alamo Endowment, the City of San Antonio, and with the GLO on this aspect of the project. Also, on this subject, we noticed that one of the images on slide 45 shows what appears to be a glass walking surface, presumably revealing

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what are now archeological features of some kind. This can be an appropriate tool for educating the public about archeology and subsurface features. It can also be inappropriate for use in certain environments and where the materials to be exposed shouldn't be displayed under glass. We assume, at this stage, no specific resources have been identified for this treatment, and look forward to continuing consultation.

Another matter related to efforts to pedestrianize Alamo Plaza has to do with trees. The Alamo Plaza as presented appears to have considerably more trees than are currently present. This seems contrary to the entire purpose of closing the streets and attempting to reestablish the compound perimeter. It is also contrary to the position taken in your presentation that sightlines toward the historic buildings should be maintained and improved. Removal of the Cenotaph and its historic landscape features seems much less advisable if more trees are going to be added to the site.

We are also concerned that some of the existing trees could be adversely affecting the historic structures. There are, for example, some enormous oaks in the WPA garden with root systems that could either be affecting the buildings now, or might affect them in the future. They might also be impacting buried archeological features and deposits. If you haven't already done so, we would urge you to consult with a preservationist in partnership with an arborist to ensure that these trees do not/will not damage the buildings or other features and deposits that are the reason for the site's significance.

As to the Cenotaph, you heard directly from the Commissioners that they have some concerns regarding the proposal to disassemble and move that historic monument. Our office recently sent forward a Multiple Property Documentation Form for Monuments and Buildings of the Texas Centennial, approved by the National Park Service this past April. This document makes the case that celebration of the Texas Centennial was a significant historic event, best represented by the many monuments and museums erected as part of that celebration and remaining intact, all across the state. This nomination will make it easier for Texas Centennial related works to be individually listed on the National Register of Historic Places. The Cenotaph is an excellent example of its type, and is mentioned throughout the report, which can be found at <https://atlas.the.state.tx.us/NR/pdfs/100002344/100002344.pdf>. Designed by a master craftsman, publicly funded, and located in what is arguably the most prominent location in San Antonio, any potential change to the Cenotaph or the historic landscape that surrounds it must be approached with caution.

Many monuments from this period are in need of extensive restoration. We appreciate the city's acknowledgement of this fact, and their assurance that a detailed analysis will be submitted to us in support of any request for an SAL permit to disassemble and repair the Cenotaph. I should make it clear that we will not consider an SAL application for disassembly of the Cenotaph for repairs separately from an application for relocation if that is indeed what is contemplated. Disassembly and reassembly must be addressed in the same application. Such an application will be referred to the Antiquities Advisory Board for their recommendation to the full commission, where the decision on issuance of a permit will be made. In any application for relocation, we would expect to see a comprehensive analysis of the options available. Simply showing a picture (slide 66) of people standing so close to the monument that they can't see the chapel immediately behind it isn't a persuasive argument for removing it from the site it has occupied for the past 75 years. Finally, if moved, there would likely be the need for a separate archeological Antiquities Permit for investigations at the proposed new location.

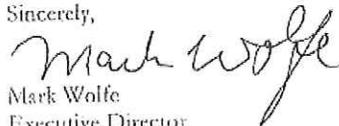
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Commission members also expressed interest in how you might propose to address the issue of adding names to the Cenotaph. We understand that you are considering several options, and look forward to seeing that analysis.

Finally, there are several state-owned historic buildings (i.e. buildings listed as contributing features in a National Register-listed historic district) within the Alamo complex and on Alamo Plaza. The buildings along the plaza are, we understand, currently being studied, and we look forward to seeing the results of that study. In your presentation, while some slides show all of the existing buildings and address the complications of interconnecting them, slide 40 provides a view that appears to assume that one or more of these buildings is contemplated for removal. We have heard other statements and have seen other images along those lines, and it concerns us that the conclusion of the study might be preordained. This agency has only limited authority over these buildings, which would be to initiate designation as State Antiquities Landmarks that would then be subject to the Commission's SAI permitting process. Or, because the buildings are publicly-owned and are already listed on the National Register, any member of the public might choose to take that same action. We would urge you to allow whatever time is necessary for a thoughtful analysis of the current condition and opportunities provided by these buildings, with particular respect for both the architecture and the history they represent. The indication on one slide that Civil Rights history will be included in any interpretation is certainly promising. These factors will have to be considered in light of the importance of establishing a visitor center and museum that properly and successfully conveys the significance of the Alamo itself and its role as a critical chapter in the story of Texas independence. Visitor statistics and feedback show that a project of this kind has extraordinary support. This agency recognizes the importance of such work, and envisions a network of Texas Revolution sites connected thematically, graphically, and through interwoven interpretive efforts including interactive exhibits, living history, and informative, entertaining publications. Our recent visitor center project at San Felipe de Austin will be a key part of this network. The capital of Austin's colony, it is intimately connected to the Alamo through Travis' famous "Victory or Death" letter, which was addressed and delivered to San Felipe. But the Alamo can emerge from this process as the cornerstone supporting and connecting San Felipe, Goliad, Washington on the Brazos, Gonzales, San Jacinto and other related sites. If developed and interpreted in a thoughtful manner, these places can build on each other to form a seamless tapestry for residents and visitors alike to share in Texas' great story of independence.

Much work will be necessary before we can achieve these common goals. We look forward to working with you in the upcoming years and offer any assistance we can provide as your plans evolve.

Sincerely,



Mark Wolfe
Executive Director
Texas Historical Commission

cc: Chairman John Nau, Texas Historical Commission;
Commissioner George P. Bush, General Land Office



GREG ABBOTT, GOVERNOR • JOHN L. NAU, III, CHAIR • MARK WOLFE, EXECUTIVE DIRECTOR
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Bexar Archives e_bx_007703

Ranchero Cattle Contributions to American Revolutionary War

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Notice of the number of bovine cattle, branded and orejano, which the citizens of this Royal Presidio of San Antonio de Béxar and Villa of San Fernando have gathered and driven to various provinces bordering on this province of Texas, in accord with the directive of the lord commandant general of these Interior Provinces [made] on January 11, 1786. It is, to wit, in the form and manner which follow:

<u>Year of 1779</u>	<u>No. of head</u>
On July 19 of said year a <u>guía</u> was issued to Manuel Gonzales to export 30 head from the mission of La Espada.....	0030
On the 14th of the same [month] a <u>guía</u> was issued to Joaquín Flores y Sendeja to export 138 head belonging to him and to several other citizens.....	0138
On the 29th of the same [month] a <u>guía</u> was issued to José Andrés Hernandez to export 19 head with his brand and mark.....	0019
On August 1, a <u>guía</u> was issued to Francisco Arocha to export 281 head from the missions of [Esp[íri]tu Santo and Rosario.....	0281
On the 7th of the same [month] a <u>guía</u> was issued to Sebastián Monjeras to export 170 head.....	0170
On the 9th of the same [month] a <u>guía</u> was issued to Julián de Arocha to export 441 head belonging to him and to various citizens, and to the missions of [Esp[íri]tu San]to and Rosario.....	0441
 <u>Year of 1780</u>	
On May 21 of said year a <u>guía</u> was issued to Don Simón de Arocha to export 306 head belonging to the missions of [Esp[íri]tu San]to and Rosario.....	0306
Total.....	1385

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// ^{1v}	<u>No. of head</u>
Total from overleaf.....	1385
On May 27 of said year a <u>guía</u> was issued to Juan José Flores to export 440 head, partly branded and partly <u>orejanas</u> , belonging to various owners.....	0440
On October 13 of said year a <u>guía</u> was issued to Marcos Hernandez, a resident of the presidio of La Bahía de [E]sp[í]ritu Santo, to export to the province of Luiciana 1234 head, with brands, from the mission of [E]sp[í]ritu Santo.....	1234
<u>Year of 1781</u>	
On January 23 of said year a <u>guía</u> was issued to Don Simón de Arocha to export 423 head, with brands, belonging to different owners.....	0423
On August 11, a <u>guía</u> was issued to Luis Mariano Menchaca and Macario Sambrano to export 300 head, with brands.....	0300
On the same [day] a <u>guía</u> was issued to the mission of La Espada to export 208 head, with brands.....	0208
On the 14th of said month a <u>guía</u> was issued to Juan José Flores to export 120 head, 106 [of them] <u>orejanas</u> and the remaining 14 branded.....	0120
On August 11, a <u>guía</u> was issued to Vizc[en]te Flores for the exportation of 100 head of <u>orejanas</u> and 100 [head] of brands.....	0200
On the 14th of the same [month] a <u>guía</u> was issued to Don Simón de Arocha for the exportation of 310 head with brands and 109 <u>orejanas</u>	0419
Total.....	4729

// ²	<u>No. of head</u>
Previous total.....	4729
On October 14 of said year a <u>guía</u> was issued to Don José Antonio Curbelo for the exportation of 255 head of <u>orejanas</u> and 159 [head] with brands, amounting altogether to 414 head.....	0414

Year of 1782

On February 15 of said year a <u>guía</u> was issued to Felipe Flores for the exportation of 770 head, with brands, belonging to the <u>diesmo</u> , to Luis Mariano Menchaca, and to several other citizens....	}	0770
On April 29, a <u>guía</u> was issued to Manuel de Arocha for the exportation of 215 head, with brands, belonging to various owners.....	}	0215
On August 9, a <u>guía</u> was issued to Luis Mariano Menchaca for the exportation of 243 head, 53 [of them] branded and 190 [of them] <u>orejanas</u>	}	0243
On the 10th of the same [month] a <u>guía</u> was issued to Don Simón de Arocha, Francisco Travieso, and Joaquín Leal for the exportation of 135 head of <u>orejanas</u> and 48 [head] with brands, amounting altogether to 186.....	}	0186
Total.....		6889

//^{2v}

Total from overleaf.....		6889
On August 19, 1782, a <u>guía</u> was issued to Manuel Delgado for 308 head, 225 [of them] <u>orejanas</u> belonging to Don José Antonillo Curbelo, and 67 [of them] branded, belonging to both [men].....	}	0308
On the 23rd of the same [month] a <u>guía</u> was issued to Don Antonillo Banc [i.e., Blanc] for the exportation of 1200 head, with brands, from the mission of [Espiritu Santo to the province of Louisiana..	}	1200
On November 20 of said year a <u>guía</u> was issued to Don José de León Curiel and Juan Monjaras for the exportation of 188 head, with brands, from the missions of San Antonio and Concepción.....	}	0188
On December 5, a <u>guía</u> was issued to Don Juan Barrera for the exportation of 84 head belonging to the <u>diesmo</u>	}	0084

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Year of 1783

On January 20, a <u>guía</u> was issued to Ign[acilio Cal- billo for the exportation of 50 head branded with his iron.....	}	0050
On May 23, a <u>guía</u> was issued to Juan José Flores for the exportation of 229 head, 149 [of them] branded and 80 [of them] <u>orejanas</u>	}	0229
Total.....		8948

//³

		<u>No. of head</u>
Previous total.....		8948
On May 30, 1783, a <u>guía</u> was issued to Luis Mariano Menchaca and Amador Delgado for the exportation of 427 head, with brands.....	}	0427
On July 14, a <u>guía</u> was issued to Don Fran[cis]co Flores and José Man[uel] Peres Casanoba for the exportation of 330 head, 184 [of them] branded and 146 [of them] <u>orejanas</u>	}	0330
On the 18th of the same [month], a <u>guía</u> was issued to Don Juan Barrera and Sebastián Monjaras for the exportation of 274 head, 144 [of them] branded and 130 [of them] <u>orejanas</u>	}	0274
On August 9, a <u>guía</u> was issued to Luis Mariano Men- chaca for the exportation of 130 head, with brands.....	}	0130
On the 18th of the same [month], a <u>guía</u> was issued to Juan Flores for the exportation of 108 head, 58 [of them] branded and 50 [of them] <u>orejanas</u>	}	0108
On the 19th of the same [month], a <u>guía</u> was issued to Don Simón de Arocha for the exportation of 330 head, 136 [of them] branded and 194 [of them] <u>orejanas</u>	}	0330
On September 2, a <u>guía</u> was issued to Viz[ente] Flores for the exportation of 75 head, with brands.....	}	0075
Total.....		10622

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//^{3v}

	<u>No. of head</u>
Total from overleaf.....	10622
On September 24, 1783, a <u>guía</u> was issued to Manuel } González for the exportation of 80 head, 72 [of } them] branded and 8 [of them] <u>orejanas</u>	00080
On October 28, a <u>guía</u> was issued to Francisco Peres } for the exportation of 78 head with brands and 40 } <u>orejanas</u> , which amount to 118.....	00118
<u>Year of 1784</u>	
On February 27, a <u>guía</u> was issued to José de Cárdenas } for the exportation of 143 head, with brands.....	00143
On March 21, a <u>guía</u> was issued to Don Macario Sombra- } no for the exportation of 150 head, 138 [of them] } branded and 12 [of them] <u>orejanas</u>	00150
On June 3, a <u>guía</u> was issued to Manuel de Arocha } for the exportation of 119 head, 76 [of them] <u>ore-</u> } <u>janas</u> and 43 [of them] branded.....	00119
On the 14th of the same [month], a <u>guía</u> was issued to } Luis Mariano Menchaca for the exportation of 612 } head, 410 [of them] <u>orejanas</u> and 202 [of them] } branded.....	00612
On the 14th of the same [month], a <u>guía</u> was issued } to Ygnacio Calbillo for the exportation of 55 head, } with brands.....	00055
Total.....	11899

//⁴

	<u>No. of head</u>
Previous total.....	11899
On July 14, 1784, a <u>guía</u> was issued to Felis Butier- } res for the exportation of 16 head, with brands....	00016
On July 22, a <u>guía</u> was issued to Santiago Seguin for } the exportation of 300 head, 179 [of them] <u>orejanas</u> } and 121 [of them] branded.....	00300

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On the 28th of the same [month], a <u>guía</u> was issued to Carlos Martines for the export of 50 head, with brands, from the missions of [Espíritu Santo and San Antonio Balero.....	}	00050
On August 23, a <u>guía</u> was issued to Ygnacio Calbillo for the exportation of 25 head, with brands, and 5 yokes of oxen.....	}	00035
On September 1, a <u>guía</u> was issued to Juan José Pacheco for the exportation of 369 head, 250 [of them] <u>orejanas</u> and 119 [of them] branded.....	}	00369
On the 5th of the same [month], a <u>guía</u> was issued to Luis Mariano Menchaca for the exportation of 144 head of <u>orejanas</u>	}	00144
On the aforesaid day, a <u>guía</u> was issued to Francisco Xavier Rodrigues for the exportation of 139 head of <u>orejanas</u>	}	00139

Year of 1785

On June 27, a <u>guía</u> was issued to Ygnacio Calvillo for the exportation of 35 head, with brands.....	}	00035
Total.....		12987

//^{4v}

No. of head

Total from overleaf..... 12987

On July 25, 1785, a <u>guía</u> was issued to Luis Mariano Menchaca for the exportation of 360 head, with brands.....	}	00360
On the 28th of the same [month], a <u>guía</u> was issued to Vizcencle Flores and Santiago Peres for the exportation of 551 head, 339 [of them] <u>orejanas</u> and 212 [of them] branded.....	}	00551
On August 3, a <u>guía</u> was issued to Juan Nepomuceno Guedea for the exportation of 50 head, with brands.....	}	00050
On the 13th of the same [month], a <u>guía</u> was issued to Don Macario Sambrano for the exportation of 103 head, with brands.....	}	00103

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On the 19th of the same [month], a <u>guía</u> was issued to Felipe Flores for the exportation of 104 head, 34 [of them] <u>oreja[na]ls</u> and 70 [of them] branded.....	}	00104
On the 22nd of the same [month], a <u>guía</u> was issued to Don Simón de Arocha for the exportation of 760 head, 513 [of them] <u>orejanas</u> and 247 [of them] branded...	}	00760
On September 13, a <u>guía</u> was issued to Luciano Martines and José Andrés Hernan[de]ls for the exportation of 160 head, with brands.....	}	00160

Year of 1786

On February 28, a <u>guía</u> was issued to Don José de León Curiel to export 115 head, with brands.....	}	00115
Total.....		15190

//⁵

No. of head

Previous total.....		15190
On March 7, 1786, a <u>guía</u> was issued to Francisco Peres to export 70 head, with brands, to the town of Nagcodoches.....	}	00070
On August 9, a <u>guía</u> was issued to Manuel and Juan de Arocha and Ygnacio Calbillo to export 208 head, 55 [of them] <u>oreja[na]ls</u> and 193 [of them] branded..	}	00208
On the 10th of the same [month], a <u>guía</u> was issued to Don Juan Barrera for the exportation of 373 head, with brands.....	}	00373
On the 13th of the same [month], a <u>guía</u> was issued to Santiago Seguin for the exportation of 281 head, with brands.....	}	00281
On the 17th of the same [month], a <u>guía</u> was issued to a carabineer and three privates from the <u>Villa</u> of San Fernando for the exportation of 109 head, with brands.....	}	00109
On the 19th of the same [month], a <u>guía</u> was issued to Vizc[en]te Flores for the exportation of 433 head, 395 [of them] <u>orejanas</u> and 38 [of them] branded....	}	00433

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On the 22nd of the same [month], a <u>guía</u> was issued to Phelipe Flores for the exportation of 412 head, 309 [of them] <u>orejanas</u> and 103 [of them] branded.....	}	00412
On September 1, a <u>guía</u> was issued to Don Simón de Arocha for the exportation of 802 head, 256 [of them] <u>orejanas</u> and 546 [of them] branded.....	}	00802
On October 2, a <u>guía</u> was issued to Amador Delgado for the exportation of 140 head, both branded and <u>orejana</u>	}	00140
Total.....		18018

//^{5v}

Total from overleaf.....		18018
On October 13, 1786, a <u>guía</u> was issued to Fran[cis]co Xavier Rodrigues for the exportation of 165 head, 150 [of them] <u>orejanas</u> and 15 [of them] branded....	}	00165
On November 2, a <u>guía</u> was issued to Julián de Arocha for the exportation of 266 head, 240 [of them] <u>orejanas</u> and 26 [of them] branded.....	}	00266
Grand total.....		18449

It appears that eighteen thousand, four hundred forty-nine head of branded and orejana [cattle] have been exported from this province to the surrounding ones between July 19 of the year 1779 and November 2 of 1786. This information has been derived from the guías which have been issued to the persons who have exported the afore-mentioned cattle. In view of [the fact] that the señor Captain of Cavalry Don Rafael Martines Pacheco is about to take over this government and the commandery of arms of this province of Texas--by order of the Most Excellent Lord Viceroy of this kingdom of [MS torn: "New"] Spain--this expediente should be added, along with others on the subject, to the inventory of docu-

ments to be handed over [to Martínez Pacheco] as soon as he can assume his office. Thus it is provided, ordered, and signed by me, Don Dominglo Cabello, Colonel in the Royal Armies, Governor and Commandant of Arms of this Province of Texas, [etcetera]. At this Royal Presidio of S[an] Ant[oni]o de Béxar on the twenty-ninth day of the month of November, in the year seventeen hundred eighty-six, before the attesting witnesses with whom I act in the absence of a notary, doing so on this plain paper, as there is none stamped. This I certify.

Cabello
[Rubric]

José Plázido de Monzón
[Rubric]
attesting witness

Pedro Días del Castillo
[Rubric]
attesting witness

//6-6v [Blank]

CD.S., 1-5v pp., 11/29/1786]

Exhibit D

Supporting Evidence

Bibliography

Newspaper Clippings

Quartermaster Report

Daughters of the Republic of Texas

Catholic Archives at San Antonio

Texas State University

Historically significant people buried at
Mission San Antonio de Valero Cemetery

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March 18, 1988

The Indians of San Antonio Missions 1718-1821

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San Antonio De Valero Burial Book 1703-1785

San Fernando Campo Santo 1808-1860

Official Alamo Website

www.TheAlamo.org

Tap Pilam Coahuiltecan Nation Website

www.tappilam.org

Briscoe center for American History

Discovery of skeletal remains at Alamo could affect San Antonio commission's action on overhaul

Scott Huddleston

Dec. 16, 2019 | Updated: Dec. 17, 2019 8:51 a.m.



A guide leading a tour group pauses by the Alamo Cenotaph in Alamo Plaza, Monday, Dec. 16, 2019. On Friday, Alamo officials announced that the skeletal remains of three bodies had been found in the nave of the Alamo church and a side room known as the Monk's Burial Room, where excavation work has been underway to find the foundations of the

Photo: Jerry Lara /Staff photographer

The recent discovery of intact skeletal remains underneath the Alamo church threatens to complicate the extensive planned makeover of the mission and battle site, whose first phase is facing a crucial vote by the city's Historic and Design Review Commission on Wednesday.

After finding unattached human bones and bone fragments in the church in August, September and October, archaeological crews uncovered skeletal remains in November and December that were identified as people, specifically an infant, a teenager or young adult and a large adult.

“All those are preserved in place, and have not been moved,” said Karina Erickson, communications director with the Texas General Land Office.

Erickson said partial skeletons of the infant and large adult were found in the nave, the main area of the church, in late November. The partial skeleton of the young adult was found Dec. 3 in a side chamber known as the Monk’s Burial Room.

Forensics experts with the Alamo’s archaeological consultant determined that all three were intentionally buried, Erickson said. However, without extensive testing, which officials are loath to do, it’s unknown whether the remains are those of indigenous people, missionaries or settlers.

The bone fragments found earlier this year, also unearched in the nave and Monk’s Burial Room, are in storage in the Alamo vault. Erickson said there are no immediate plans to move the newly found skeletal remains from their resting place.

On ExpressNews.com: Discovery of bones should put Alamo overhaul on pause, indigenous group says

Under the Alamo’s human remains treatment protocol, the nonprofit Alamo Trust, which runs the site, could seek a court order to remove them.

As provided in its protocol, which seeks to keep the project in compliance with state and federal laws, the Alamo Trust has filed a record of an unknown or abandoned cemetery with the Bexar county clerk’s office.

Such records have to be filed within 10 days of discovery of remains that are identifiable as individuals. Erickson said she didn’t believe the filing would affect efforts underway to install moisture-monitoring equipment in the 1700s mission church and to locate and document its foundations. The building functioned as a cannon station and a haven for women and children during the 1836 siege and battle.

But leaders of two groups suing to stop the public-private \$450 million Alamo project until they are included in decisions about treatment of human remains said the latest discoveries add fuel to their arguments that an exhaustive study is needed to reveal the makeup and boundaries of a cemetery at the Alamo — before construction proceeds.

On ExpressNews.com: Tap Pilam Coahuiltican Nation files suit to stop Alamo project

“Now they absolutely, beyond a shadow of a doubt, have proof of a cemetery,” said Lee Spencer White, president of the Alamo Defenders Descendants Association, which seeks an archaeological cemetery study and DNA testing of newly discovered remains to help determine ethnicity and lineage.

White, whose group has a lawsuit pending against the Land Office, the city and the Texas Historical Commission, said she also wants the state agency to begin issuing a news release within 24 hours every time it encounters new human remains.

“It doesn’t even have to be extensive. They’re just not forthcoming with information,” said White, who filed her group’s lawsuit in a state District Court in Travis County, as the seat of state government.

Commission vote

The city’s Historic Design and Review Commission will consider approving the initial city-funded phase of a planned four-year Alamo Plaza makeover at its meeting Wednesday. Commission members delayed action on the project at their Dec. 4 meeting after they said they wanted to have a briefing on the lawsuits over existence of a cemetery on the Alamo grounds.

On ExpressNews.com: Historic commission delays Alamo vote over cemetery lawsuit concerns

The first phase includes moving the 1930s Alamo Cenotaph, along with installing new landscaping and pedestrian-friendly surface paving, in the south part of the plaza, where streets will be closed. The HDRC already approved moving the Cenotaph from its current spot, where it was dedicated in 1940 on the plaza’s north end, to a new spot a few hundred feet south. The issue before the panel Wednesday regarding the Cenotaph will be its proposed placement in front of the Menger Hotel.

Ramón Vásquez, leader of a local Native American group also suing to halt the project unless its members are included in decisions on how human remains are treated, said the new discoveries offer additional evidence that the plaza makeover needs to be slowed.

“There is overwhelming archival and archaeological evidence now that what we’re talking about has merit,” said Vasquez, executive member of the Tap Pilam Coahuiltecan Nation, whose lawsuit in federal court also lists the Land Office and the city among defendants.

He said it would be worth delaying the project for a year to document the full history of the site before a new museum is built on the west side of the plaza to house exhibits, including a \$15.5 million collection of artifacts donated by rock singer Phil Collins.

‘Missing out’

On ExpressNews.com: Rock star Phil Collins donates documents, relics, weapons to Alamo

Tap Pilam also supports DNA testing, which is discouraged in the Alamo protocol.

“San Antonio is missing out on an opportunity to shed light on this history, to benefit future generations,” Vásquez said.

He believes that the Alamo descendants’ lawsuit also is on solid legal ground on the issue because archival records suggest that some defenders of the 1836 battle may have been buried at the fort despite a traditional narrative that nearly all the defenders’ bodies were burned in funeral pyres.

White said researchers have found discrepancies in the numbers of bodies reported burned in the pyres, compared with muster rolls of the Alamo garrison, suggesting that some defenders’ bodies were buried at the Alamo.

“They didn’t burn all of them,” White said. “I do believe we have the moral high ground on this.”

Vásquez said he’s hopeful that the recent discoveries will affect HDRC and court rulings, as well as popular support for the project. He said his group will begin submitting open records requests every two weeks for documents concerning newly found human remains.

“We hope that in the court of public opinion, people will say this is just not right,” Vásquez added.

Wednesday’s HDRC meeting is set for 1 p.m. in the boardroom of the Development and Business Services Center, 1901 S. Alamo St. Public comment will be taken at the meeting.

The commission may recess into an executive session to discuss “legal issues associated with Alamo Plaza,” according to the meeting agenda.

Will Be Saved Until All Excavation on Site Has Been Completed

Remains of 16 persons found on the Postoffice site, as well as the remains of others that are expected to be unearthed in the excavations, are to be reinterred in the new San Fernando Cemetery, Castrovilla and Cupples roads, after the excavations are completed.

M. H. Flores, superintendent of the cemetery, has taken charge of all the remains and is turning them over to the Zisk-Kearns Undertaking Company, to be kept until the excavations on the Postoffice site are completed.

When excavators complete their work, the remains which will have been found are to be reinterred with a mass, conducted by Archbishop Arthur J. Drossaerts.

Flores said only the skulls and larger bones remain of each skeleton, the ravages of moisture and soil chemicals having absorbed the others. They are found at a depth of from four to five feet and, in the opinion of Flores, the bodies were dumped into their resting places during an epidemic. There was a burial ground of about two acres, originally, in conjunction with the Alamo.

The bodies were buried there early in the 18th Century, the place having served as a cemetery for some 30 or 40 years up until about 1733 when the practice of making burial at San Fernando Cathedral was inaugurated.

Discovery of an Indian arrowhead near a skull led to speculation that the person met death at the hands of a redskin. Several rosary beads have been found among the bones, but no jewelry or coins have been discovered.

Flores said custodians of the Alamo had been consulted and that there was no opposition to reinterment of the remains in the San Fernando Cemetery. Those which have been disinterred were found near the southeast corner of the Postoffice site, the point of land nearest the present grounds of the Alamo. It is thought quite likely that there are additional remains under the pavement between the Postoffice site and the Alamo grounds.

In a letter to Postmaster Dan Quill, Rev. James T. Lockwood, acting chancellor of the San Antonio diocese, in the name of Archbishop Arthur J. Drossaerts asked that the bones found on the postoffice site be turned over to Flores to be reinterred in consecrated ground. Quill replied that the bones would be kept at an undertaking establishment until the excavations are complete and then

Early Residents Believe Skulls From Alamo Yard

Bones From Postoffice Site Recall How Dead Buried In Gardens

That bones of humans unearthed recently on the postoffice site were laid originally in a graveyard to the Alamo seems reasonable to Mrs. D. A. Livingston and Mrs. F. W. McAllister, sisters, who were born but a few yards from the Alamo.

Mrs. Livingston and Mrs. McAllister, whose maiden name was Stumberg, were born in the then Stumberg home in the 1850's. It was located where part of the Menger Hotel now stands.

Neither can recall whether the Alamo courtyard extended as far as the postoffice site. Mrs. Livingston recalled that a house was once located on the site and that it was a custom for the dead to be buried in gardens and yards. But the unearthing of six skulls tends to indicate the postoffice yard was once a burial park rather than a family park because of the number of skulls. Mrs. Livingston believes. She recalls that burials took place in family residence sites on Crockett Street but can recall none near the postoffice site.

Mrs. McAllister said she believed the original Alamo courtyard wall extended west toward Alamo Plaza, and not toward the postoffice. The burial park to the Alamo may not have been within the courtyard since burial plots to other missions have been located quite a distance from the mission enclosure.

Mrs. Livingston recalls that a cannon ball was once dug up near her former home but it has since been lost. As children Mrs. Livingston and Mrs. McAllister played around the Alamo site. The corner of Houston Street and Alamo Plaza was a sort of "hole in the ground" where they and other children played. The Maverick home was then located where the Gibbs building now stands.

WOMAN JAILED FOR CONTEMPT

Action Follows After Attack On Deputy Serving Papers

Found guilty of contempt of court, Ruby Carver, 801 West Ashby Place, was sent to county jail and fined \$20 Thursday by Justice of the Peace Nat Corrigan. The penalty was assessed after the woman and her 14-year-old daughter had been brought handcuffed into the courtroom. Deputy Sheriff R. D. McGee, who brought them in, said that three other women and two men had joined the woman

D.A.R. Goes Into Session After Bones Of Defenders of Alamo Are Unearthed

By the United Press

SAN ANTONIO, Jan. 5.—Human bones believed to be the remains of three Texans killed in defense of the Alamo in 1836, were unearthed Tuesday during rehabilitation work at the sacred chapel.

A meeting of the Alamo committee of the Daughters of the Republic of Texas was called immediately. The committee will attempt to establish identity of the remains and decide what disposition will be made of them.

The discovery was significant to Texas history in that not all of the bodies of the Alamo heroes were recovered and buried after their massacre by Mexican troops under Gen. Santa Anna. Many of them were interred in San Fernando cathedral.

Workers discovered the remains while excavating in the Alamo grounds. The bones, including a hip joint, several arm and leg bones and parts of three skulls, were recovered by Mrs. Ruth Small,

daughter of Mrs. Leta Small, custodian of the shrine.

Two theories were developed regarding finding of the remains. One explanation was that the men fell early in the siege of the Alamo and their bodies were buried on the grounds during the battle. Some believed however, that the bodies were discovered after interment of the other soldiers and were buried on the spot.

a box of monkeys. Jennie Jenks asked her brother Johnny if he had rode on the Merry-Go-Round, and Johnny said No; he'd rather ride on the flying jenny.

"Oh, it was great. All that a kid had to do was to flash a Herald coupon and the man would grin and say: 'All right, son, go on and have a good time.' The thing lasted all the afternoon yesterday clear up til 11 o'clock last night, and a lot of the kids didn't want to go home then, but the folks out there stopped their slides and things, and then there was nothing else to do.

"They are going to do it all over this afternoon and tonight, and if there's a feller or a girl in El Paso that won't be there, it'll be because they can't get a copy of the Herald to cut a coupon out of."

HUMAN BONES OF ALAMO DEFENDERS UNEARTHED.

San Antonio, Tex., June 26.—A num-

ber of bones which are believed to be parts of the skeletons of heroes who fought for Texas independence during the struggle at the Alamo, have been unearthed on the site of the artesian well which colonel C. C. Gibbs is having drilled on Avenue D, opposite the post-office.

The fact that on this site much of the activity that marked those stirring times took place is regarded as sufficient cause to believe that these are what is left of the skeletons of those heroes who met death here in that bloody encounter.

SAN ANTONIO IS PAYING COMMISSION POLICE.

San Antonio, Tex., June 26.—The members of the police force and fire department who served under the commission and were discharged when mayor Callaghan stepped into office, four years ago, are now receiving their salaries that have been due since that time. The police and fire commission was inaugurated

Half-Cremated Bodies Will Rest Beneath Busy Garage Floor

HUMAN bones that may be those of the Texas heroes who sacrificed their lives in 1836, or those of early Indian converts that formerly lived within the walls of the early mission of San Antonio de Valera, the chapel of which is now known as the Alamo, have been unearthed in excavations being made for an automobile garage on the corner of Alamo Plaza and Crockett Street. Since only a few of the bones were excavated and the graves were filled up and allowed to remain as they were found, it is possible that within a short time the spot that may have been the last resting place of the half-cremated remains of the Texans will be sealed forever underneath the cement floor of a busy garage.

The bones, together with a well about 22 feet deep, were found on the site of the garage being erected by Wright and Saunders for Joseph Courand. The graves are about 200 feet north of the south wall of the Alamo. Whether they are the resting place of the Texans or of Indian converts cannot be determined until physicians make a study of the bones. In the meantime the graves have been refilled and work of erecting a modern garage is going on.

FOUR GRAVES FOUND BY WORKMEN

Workmen are making shallow excavations for a cement floor for the garage building. At a depth of about 18 inches scattered human bones were found. An opening in the ground was next found, and upon further investigation a grave containing human bones was discovered, according to A. A. Holden, foreman. Mr. Holden himself made the excavation of the bones.

Some of the bones were laid aside, but most of them were thrown out with the earth and hauled away. An effort is being made to have physicians examine the bones and give their decision as to what people they belonged—whether Indian or American.

Among those disinterred were a jawbone with some of the teeth still in a fair state of preservation, several bones from the upper arm, several from the hand, including what seem to be finger bones and parts of the pelvic bones. All of them are apt to crumble with handling. Mr. Holden said that there were a number of them which were mere clay forms which fell apart with the earth when the excavation was made.

BODIES DRAGGED OUT OF ALAMO AFTER FALL

Belief that these bones may be those of the heroes of the Alamo is founded on the fact that history says that after the fall

Discovery of Bones In Alamo Excites Interest

SAN ANTONIO, July 19—(NS)—
Fragments of human bones which
may be the last mortal remains of
one of the defenders of the Alamo
have been discovered buried near
the historic building by workers
who are renovating the Texas
shrine. The bones were found under
a flagstone alongside the old con-
vent.

ordnance property and medicine stores, torage houses, blacksmiths, carpenters, wagon makers, harness and other workshops, also stabling and mule yards. Besides these, a convenient office and quarters for Captain Ralston, and myself and other clerks were fitted up.

The lumber for the roofs, floors, etc., of Southern pine, shingles, etc., was obtained from Bastrop, and hauled from there a distance of about one hundred miles, timber suitable for the purpose not being obtainable nearer. The ruinous portions of the walls were repaired, and the old plaster or concrete roofs removed, in which operations many thousands of bats were unceremoniously evicted, and rendered homeless, and from that time each was dependant for a lodging literally on his own hook.

The buildings thus remodelled, extended (see plan) from the corner next to the church, along the east line of the quadrangle, a length of about two hundred feet. They averaged about eighteen to twenty feet wide outside and twelve to eighteen inside. The height of the walls was twenty feet and over, so that in parts we put in floors midway. The office was in the south end, and Captain Ralston had a room round the corner. They were fitted up with rough tables, stools and cot bedsteads. These quarters being elevated one story above the ground, and having plastered walls, glass windows and a wooden floor, were a vast improvement on those we before occupied.

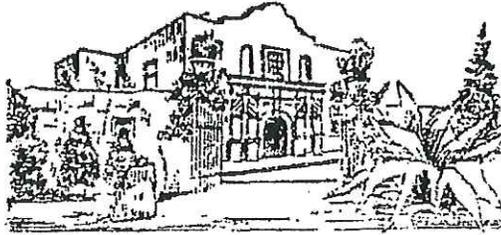
I can present nothing new regarding the history of the Alamo, but can only give the account of the condition in which we found it in 1846-47, and subsequent developments on clearing away the debris of the fallen walls and roofs. There was no pretensions to ornamental architecture except in the facade of the church, and portions of its interior. Such of the other buildings as remained, having the usual thick and roughly-built stone walls, and heavy plaster roofs. These we rebuilt and adapted to our purposes without remorse, but the church we respected as an historical relic — and as such its characteristics were not marred by us. We had the debris cleared away from the interior, in which process several skeletons and other relics of the siege were found. I regret to see by a late engraving of this ruin, that tasteless hands have evened off the rough walls, as they were left after the siege, surmounting them with a ridiculous scroll, giving the building the appearance of the headboard of a bedstead. The care thus shown, however questionable the taste of its execution, is highly commendable, when compared with the wanton destruction with which other curious buildings in the vicinity have been visited, by relic hunters, or other vandals and iconoclasts.

The keystone over the front entrance bore the date, 1758. Numerous shot holes, and the demolished roof, and probably towers, bore testimony to the severity of the bombardment; this part, from its stronger built walls, having been resorted to as the last stronghold of the devoted band. On either side of the entrance was a small vaulted room, having each a small window opening to the front. The roof had been of stone of a semicircular arch springing from the side

Quartermaster Report



Daughters of the Republic
of Texas
Custodians of the Alamo
"Texas, One and Indivisible"



The Alamo

P. O. BOX 2599
SAN ANTONIO, TEXAS 78299
(512) 225-1391

Protocol for Human Remains Alamo Shrine Preservation Project

In the event human remains are encountered during the Alamo Shrine Preservation Project, the following protocol will be followed:

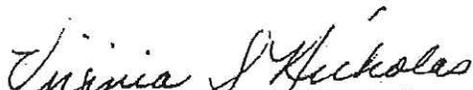
o Representatives of the Inter-Tribal Council, the American Indians in Texas, and the African-American Defenders of the Alamo will be notified.

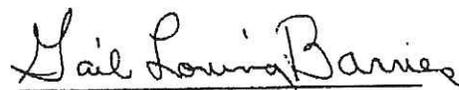
o Remains will be reinterred and the work routed around the area.

o In the event work must continue in the area, remains will be moved only to the minimum extent necessary.

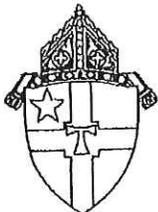
o No remains will be removed; any study or identification will be done in place.

o At all times remains will be treated with the utmost respect and reverence.


Virginia S. Nicholas
Alamo Committee Chair


Gail Loving Barnes
President General
Daughters of the
Republic of Texas

CATHOLIC ARCHIVES AT SAN ANTONIO



Chancery Office
P.O. Box 28410
San Antonio, Texas 78228-0410

2718 W. Woodlawn
(210) 734-2620 (X103)

January 9, 2015

C. Allison Baez, Ph.D.
Office for New Evangelization
Archdiocese of San Antonio
2718 W. Woodlawn Ave.
San Antonio, TX 78228

Dear Allison:

Enclosed is a map of the battle plan of the Mexican army for the March 6, 1836 attack on the Alamo. Plainly marked is the cemetery and the ruined church. The burials were in the cemetery and inside the church. The Alamo Book of Burials 1703-1885 contains 1377 burials.

The Alamo burial book I contains a note in entry number 737 (Tomas) (an Indian) a note by Fray Diego Martin Garcia dedicating the spots in the chapel transept in the altar for an Indian and to the right a Spaniard, a Canary Islander: Don Antonio Bueno de Rosas.

The other missions had inside burials: Espada inside and outside on the north; San Juan inside and around in front; Concepcion inside, and and up to 100 feet west of the front door; San Jose inside and in front to the grainry. At San Jose there was a reburial of many in a common grave at Mission Park Cemetery. Some families objected to moving the graves and they were left in place and the Huizar grave is still evident.

By law a cemetery can only be undedicated by the county court and this has never been done. All five mission churches have burials inside.

I have also enclosed a xerox copy of the page in the Burial Book with the notation after 737 and the front page as well as the front page, the first page and the end page of the typed transcript. The typed transcript ends in 1782. The last three years :83,84,85 are not in the typed version. This was done by John O. Leal, archivist for Bexar County around 1970.

Yours sincerely,

Bro Edward Loch
Bro. Edward Loch, S.M.
Archivist, Archdiocese of
San Antonio

TEXAS  STATE
UNIVERSITY
SAN MARCOS
The rising STAR of Texas

Alamo Plaza Study Committee:

C/O Tap Pilam Coahuiltecan Nation
1313 Guadalupe Street, Suite
104 San Antonio, TX. 78207

Friday, June 20, 2014

Dear Ladies and Gentlemen,

It has recently come to my attention that there are concerns regarding the understandings that developed during an archaeological project conducted by the Center for Archaeological Research, UTSA for the DRT and in collaboration with various Native American groups in San Antonio. I served as Co-PI on that project and was imitatively involved in many of the meetings and discussions that developed between the interested parties. This was a THC mandated project that neither the DRT or the Native American groups supported; each for their own individual reasons. Nevertheless, this was funded by the DRT, permitted by the THC, and the project was fully coordinated with all interested parties. During the course of this project human remains were inadvertently discovered. Once identified, the remains were left in place in the ground as I can best recall, and all the remains were re-interred in or as near to their original positions, as discovered during the excavation. At that time all parties agreed that Tap Pilam Coahuiltecan Nation could conduct reburial ceremonies and that Memorial Ceremonies could be repeated on a regular basis. I personally and professionally see no reason why these ceremonies should not be allowed to continue.

Sincerely,



C. Britt Bousman
Associate Dean for Research, College of Liberal Arts
Professor, Anthropology
Texas State University
San Marcos, Texas 78666

Historically significant people Buried at Mission San Antonio de Valero Cemetery

- Mission San Antonio de Valero Governor Roque de los Santos Chief of the Xarame Nation
- Juan Baldez Chief of the Payaya Nation
- Mission San Antonio de Valero Mayordomo Miguel Nunez Chief of the Payaya Nation
- Elzeario "Numa" Chief of the Zana Confederacy
- Juan Rodriguez "El Cuilón" Chief of Hierbipiame Nation/Confederacy of the Rancheria Grande
- Diego de la Cruz Spanish Presidio Soldier
- Nicolas Flores Captain Spanish Presidio Soldier
- Juan Blanco (Negro) Texas Troops
- Manuel Maldonado Spanish Presidio Soldier
- Phelipe Espinosa Los Adaes Spanish Soldier
- Gaspar Trevino Spanish Presidio Soldier
- Francisco Villarreal Spanish Presidio Soldier
- Lt Col. Ant. Elozua Commander Army of Coahuila y Texas

Exhibit E

Accounts of Human Remains
found in the Alamo Complex

Accounts of Human Remains Encountered within
Alamo Complex

Year	Source	Description	context	Burial vs isolated find	Affiliation	in situ/removed	Additional Information
1846	Everett (1906)	"parts of skeletons"	Clearing out rubble from Church	Burials (abandoned remains)	Suggests battle participants, but not determined	Rubble removed, no mention of what happened to skeletons	"The church seemed to have been the last stronghold, and amidst the debris of its stone roof, when subsequently cleared away, were found parts of skeletons, copper balls, and other articles, mementos of the siege; as were the numerous shot holes in the front." pp. 204-205 "We has the debris cleared away from the interior, in which process several skeletons and other relics of the seige were found." (pg 215). Edward Everett was part of the US Military occupation. He kept a diary while performing his duties, and included information about the Alamo.
1848	Corner 1890	Cleaning rubble out of church found several skeletons, some in buckskin. Referred to Quartermaster Report, Babbit	Found within rubble (possible rampart?) Everett refers to this twice in his notes. Corner attributes Major Babbit	Burials (abandoned remains)	Suggests battle participants, but not determined	Rubble removed, no mention of what happened to skeletons	Corner appears to have reference a little off when compared to Everett. No mention of the final disposition of the remains. At time of Quartermaster occupation, no burials were occurring on site. Corner authored a guide and history book about important sites to see around San Antonio. Included the missions, the Alamo, railroads, acequias, etc.

1866/1908	References are problematic, although there is a 1906 article (detailing construction of Gibbs Building, but not well), a 1908 El Paso Herald article (references remains), and Bruce Moses used to reference find as from 1866	Excavation for artesian well resulted in encountering human remains.	In vicinity of Gibbs Building	Burials (assumption, but article offers few details)	Suggests battle participants, but not determined	Unconfirmed, likely removed due to construction of artesian well.	Basement for the hotel has likely removed any additional remains in footprint. Upon further research, having problems locating the references for artesian well. Newspaper from 1906 talks about Gibbs Building construction, but no human remains. A newspaper article in 1908 references human remains, and attributes them to those involved in the Battle of the Alamo. Offers no information about associated materials, what exactly was found, or how many possible burials. Bruce Moses of UTSA-CAR had often referenced this find as from 1866. Maverick would have owned property in 1866, and no record of well at that point. Moses' account has been often referenced (I am guilty of this, too). The article from 1908 is found in the El Paso Herald
1878	Corner 1890	During clearing of Church "In a later year, March 29,1878, other skeletons buried at an earlier and apparently more peaceful period, were unearthed in the Church, and a beautifully carved baptismal font was brought to light November, 15, 1878."	Attributes to mission period?	Burials	Not determined	Rubble removed, no mention of what happened to skeletons	In January 1878, Grenet began leasing the Alamo for store warehouse, and put tin roof on. If clearing, it would have been done by Grenet. No other reference found. Corner did not reference source. Cannot confirm this find, although other researchers often reference Corner.

1887	Dallas Morning News, December 10, pg. 3	"While excavating the site for the Federal building to be located here today the workman unearthed quantities of human bones. The site is in the heart of the old Alamo battle ground, just across the street from the existing building, and it is supposed the remains being unearthed are those of Mexican soldiers who were killed in the renowned contest, and the remains of the Texans were burned."		Burials	Not determined	unknown	Additional remains encountered in 1935.
1920	San Antonio Evening News Feb. 14	"Half-cremated bodies" found below garage floor, "200 feet south of the south wall of the Alamo.	Shallow excavations for a cement floor, a grave containing human bones was found. Four graves, three were filled up, some bones were laid aside, more of them were thrown out with the earth and hauled away	Burials	Not determined	some capped by garage floor, others hauled away	Half-cremated and shallow according to article. Unusual. Article stated there were four burials, but Previous adobe structures in the area used as a saloon. Cremation was not an acceptable practice for burial by Catholic Church during colonial time. Pope Boniface the VIII (1294-1303 AD) excommunicated those who participated in cremation. After garage is demolished, there is no mention of the burials again. City Archaeologist had often placed in Alamo Hall/DRT Library in vicinity, although article states "200 feet south of south wall" which places in current Crockett Street.

1934	San Antonio Express, July 17	20 fragments of human bones that looked to have been burned	encountered during planting shrubs in front of chapel, south side of wall of the convent. Dug three or four feet down. Some appeared to have charred exterior. Bones scattered through the earth that had been excavated.	Does not appear to be a single grave	Not determined	unknown	"There has been no question that they are bones of human being by any who have seen them, although no authority has examined them." A few were thought to be finger bones. Cremation is not an acceptable burial practice for Catholic Church at that time. Hard (1994) makes claim that these belong to mission cemetery, but bones were never expertly examined and doesn't take into account the charring.
1935	Various Newspaper	A number of skeletons found during tree planing, then subsequent Post Office/Federal Building construction	First case encountered human bones when removing root ball of tree in front of Post Office. Four to five feet down. Agreement made with the church. Many speculations as to who they belonged to and how they became there.	Burials	Glassman identified some as Native American	removed and reburied at San Fernando	Men, women, and children. Number varied from 26 to 30 depending on article. Not sure MNI used at this time. Glassman inspection in 1994 confirmed that both sexes and various ages were present. Made determination some (at least 7) were Native American. Hard (1994:49) raises questions of a mass burial due to disease, and referenced De Croix account of Lipan Apache coming to site with infectious diseases in 1780 ("Confidential from De Croix, Nov. 20, 1780). Hard makes no final determination. Dr. Hard was director UTSA-CAR in 1994 and produced a report for the master plan that was being developed then.
1935	San Antonio Express, Sept 1.	Charles A. Herff	Recollection of remains encountered during excavation of Post Office Basement "over 50 years ago"	"headless bodies" Burials	Not determined	unknown	Article interviewing Herff in 1935 speaks of the remains found 50 years prior. Early articles do not mention "headless"

1936	DRT 46th Annual Meeting 1937	Four burials found within the Church when preparing for flagstone floor	Located when workers probed the ground with a wooden peg. Encountered approximately 3 feet from surface	Burials	European	placed in vault in church	DRT reported that dentists and physicians examined the remains and determined them to be "Caucasian". Three adults and one child.
1979	Fox 1980	A lone skull encountered within the fill of a defensive trench	Fox claimed the skull may have been from a participant of 1836 Battle	isolated element	Not determined	Curated at UTSA-CAR	
1979	Anderson et al. 2017	Anderson report indicates that remains were found during Ivey excavation	no information	no information	no information	no information	No document published has reported human remains from this excavation. Report is in production by Jake Ivey. Construction of Paseo has reduced any chance of encountering additional remains in this area.
1989	Photo Negatives	Steve Beck uncovers skull in Monks Burial Room wall	During repointing and rehabilitation of the MBR, loose stones were removed revealing a skull	isolated element	Not determined	in situ	Some DRT notes and a newspaper article speak of find. Was brought back to light during scanning of old photo negatives. Skull was placed back in void and stone set back in place.
1995	Meissner 1995	South Transept, excavations associated with methods to prevent rising damp resulted in the exposure of a human mandible and leg bone	Soft soils collapsed to reveal human remains. Left in place.	Burial	Not determined	in situ, reburied with AIT-SCM ceremony	Burial records of Valero place a Canary Islander buried in the south transept area. No work was taken to confirm affiliation of the remains. At least one burial, but did not expose more to determine if additional were present.

2016	Anderson et al. 2017	Deciduous (baby) tooth found during west wall excavations	Found with faunal bones, construction materials, glass, ceramics in Level 3 (35-45 cmbd)	isolated element	Not determined	reburied with Tap Pilam ceremony.	"Given the mixed deposits in Level 3, excavators began Level 4 (45-55 cmbd) for the entirety of the unit." (Anderson et al 2017: 82), which means the soils had materials that were mixed in time period, and this did not stop the excavations. This is location of Losoya House. Why was determination made to allow Tap Pilam to have ceremony and not Losoya descendants. Were Losoya descendants notified?
2015*	Nichols 2015	Worn Human Molar found at San Francesco di Paolo	Found in unit that contained late 19th and early 20th century material. Not on site of 41BX6	isolated element	Not determined	removed	The site is said to be the "probable" location of the the first site of Mission Valero. The severity of previous impacts to site (late 19th century Italian Community, Church construction, park construction, highway construction) make this assumption problematic. KMN personal opinion: COSA-OHP insisted that the report state it was probable location. My original draft argued that there was not enough information to

Exhibit F

Written Notification and
Recommendations Regarding
Finds in Excavation

August 19, 2019

Written Notification and Recommendations Regarding Finds in Excavation Unit 05, Alamo Church (41BX6); Texas Antiquities Committee Permit Number: 8713

The removal of the flagging stone and underlying concrete slab from the designated location of Excavation Unit 5 (EU 05) on the north side of the Nave of the Alamo Church at 41BX6 were completed afterhours on the evening of August 13, 2019. The morning of August 14, the RKI archaeologists began laying out the unit, establishing the datum, and establishing starting elevations, while the RK Geotechnical team was taking their soil moisture and compaction readings. A 4-inch diameter cast iron sewer-line could be seen running roughly SW to NE across the excavation unit. A roughly 2-inch diameter metal water pipe was present immediately to its east. Prior to the commencement of the excavations, only the very top of the larger pipe was notable.

Excavations commenced by late morning and focused on the southern half of the unit. At approximately 1:30 pm, excavating archaeologist noted evidence of bone fragments in the middle of the southern portion of the unit. At this point, only 5-6 centimeters (cm) of soil had been removed from the unit. The Alamo Archaeologist (AA-Kristi Nichols), had arrived at the location a few minutes earlier to check on progress. Since only a small portion of the bone was exposed, assessment of the find was not possible. To examine the find in more detail, a small portion of the soil surrounding the bone was brushed aside to expose more of the find. Once the top was exposed, the Alamo Archaeologist asked RKI archaeologists to notify the Project Archaeologist (PA-Rhiana Ward) and the Tribal Monitor (TM-Bryant J. Celestine), who were in a different part of the site. In the meantime, the portion of the unit containing the bone was inconspicuously covered. While waiting, the Alamo Archaeologist noted the top of another possible bone in the unit approximately 30-cm to the east of the initial find. Using a bamboo skewer, matrix from around the bone was gently cleared to expose the outline of the find in an effort to determine if it was human or a piece of faunal material. While *in situ*, the specimen also was examined by the Assistant Staff Osteologist (ASO-Susan Sincerbox), who determined the material to be likely human; however, the *in situ* nature of the initial finds made a thorough analysis difficult.

Visitors observing the area were attempting to inquire about what was happening at the moment. After consulting with the TM and PA, the Alamo Archaeologist cleared the area of archaeologists, halted excavations of the unit (approximately 2 PM), and covered the excavated area and exposed bone with muslin. The excavation area unit was surrounded by six-foot fencing covered with a fabric that limited visibility and also prevented any non-archaeological staff from entering the unit. The soils that had been removed from the unit and were contained in 5-gallon-buckets were carefully screened to determine whether additional possible remains may have been collected in the matrix. A highly worn tooth and small bone fragments were noted and the TM, RKI PA, and Alamo Archaeologist bagged all the bone recovered from the screen (with exception of rodent bones) in a muslin pouch and stored the pouch in the Alamo's environmentally controlled collections vault. All non-bone material caught in the screen also was collected and bagged, labeled, and set apart from other spoils to identify them as associated the bone.

The RKI PA contacted (approximately 2:30 PM) the Principal Investigator (PI-Steve A. Tomka) informing him of the finding of potential human remains in EU 05. Immediately after this call, the PA contacted the Senior Project Osteologist (SPO-Timothy B. Griffith) and asked that he visit the site the next morning and

August 19, 2019

confirm the initial identifications. To limit public exposure, it was thought best to have the SPO examine the *in situ* materials prior to the opening of the Church for visitors.

On the morning of August 15, 2019, the PI and the SPO arrived on site and confirmed that one of the *in situ* bones was a human talus. The talus was located approximately 9-cm below the base of the concrete, approximately 29.5-cm below datum (cmbd). The talus was approximately 15-cm west of an existing sewer line that runs north/south in the eastern portion of the unit. Also, at approximately 9-cm below the base of the concrete (29-cmbd), a metatarsal was identified (the second *in situ* find). The metatarsal was located approximately 57-cm west of the existing sewer pipe. A third undefinable bone fragment that may be human was observed by the osteologist further to the west of the two initial finds. All bones were left in place and re-covered with the muslin cloth and a thin layer of sterile soil matrix for protection.

The SPO also conducted an examination of the bone fragments recovered during the screening. The SPO identified the aforementioned tooth as a heavily worn, lower premolar. In addition, one distal phalange of the foot fused with an intermediate phalange also was identified. Several other unidentifiable bone fragments were also examined and identified as indeterminate due to their small size but potential human given their association with the other clearly identified human remains. Finally, a number of bone fragments derived from the screen, were determined to likely not represent human remains due to a variety of characteristics including the thickness and density of the cortical bone and the diameter of the bone fragments.

The Tribal Monitor was consulted and present throughout the duration of the identification process. All handling, treatment, and temporary storage methods were in accordance with the protocol developed with the Alamo Mission Archaeological Advisory Committee (AMAAC).

Given the confirmation of human remains in EU 05 by the SPO, at 10 AM the morning of August 15, 2019, the Alamo Archaeologist proceeded with the formal notification of the various agencies identified in the Human Remains Treatment Protocol developed by the AMAAC. A call was initiated by the Alamo Archaeologist to Emily Dylla, the Texas Historical Commission (THC) archaeologist overseeing the excavations at the Alamo. The participants in this phone conference included the RKI Principal Investigator, the PA, the SPO, the Tribal Monitor, and the AA. Other notifications preceded and followed to other agencies and Project Design Team members as prescribed in the Human Remains Treatment Protocol.

At the present time, all on-going and proposed excavations within the Church have ceased while the members of the AMAAC, the THC, and the Design Team members determine the appropriate course of action. All archaeological excavations are now limited to within the Long Barrack.

Recommended Follow-up Actions

At the present time, we can establish with certainty that disarticulated human remains were recovered from EU 05. We can also establish that a trench was excavated at some point below the surface of the Church floor to install a large-diameter sewer-line and a smaller water pipe across the area. Few other conclusions can be reach with certainty to allow us to make decisions regarding the human remains and the next phase of excavations within the unit.

The human remains encountered to date in EU 05 consist of three confirmed disarticulated fragments and a number of bone fragments that may be human given their association with the aforementioned

August 19, 2019

elements. At the present time, information is lacking regarding the number of individuals that are represented by these remains, and the age, and sex of the individuals represented.

The context of the remains also remains unclear. It is possible that the trench that was excavated to install the sewer-line and nearby conduit could have disturbed one or more intact or previously disturbed burials interred below the floor of the church. It is also possible that the remains may derive from fill that was used to bury the pipes but the fill itself derives from a different provenience.

Since, at the present time, we lack key information, such as the minimum number of individuals, the age and sex of the individuals, and the context of the remains hitherto found and identified in EU 05, we recommend that the excavation of the unit be allowed to continue until information can be obtained regarding the following questions: 1) did the disturbances associated with the installation of the sewer-line and water pipe impact human remains, and if so, 2) do the remains represent one or more individuals, and 3) are the remains those of intact or previously disturbed burials, and, 4) how many individuals are represented in the disturbed burials, and 5) what is the age and sex of the individuals buried?

Answers to these questions can be obtained by following excavation methods and techniques previously outline in the aforementioned Human Remains Treatment Protocol and with the assistance of the on-site ASO and the oversight of the SPO. The proposed excavations will be closely monitored by the PA, the PI and the TM.

Exhibit G

Archaeology Update Week of
December 9, 2019

Archaeology Update Week of December 9, 2019

Excavations for the week of December 9, 2019, focused on EU-01, EU-02, EU-03, and EU-06.

Excavations for EU-01 continued with the completion of Level 1 (6-30 cm below datum) and Level 2 (30-40 cm below datum), and the beginning of Level 3 (40-50 cm below datum) (**Figure 1**). Deposits continued to be mixed as a result of the 1995 CAR UTSA excavations as well as disturbances from existing utilities within the unit. Cultural materials recovered from EU-01 this week included brick fragments, mortar/plaster fragments, faunal bone and bone fragments (small to large mammal), nails (square, wire, and tack), unidentifiable metal fragments, ceramic sherds (plain white earthenware, hand-painted white earthenware, porcelain, lead glaze, tin glaze, sewer pipe), lithic debitage, charcoal, container glass fragments (clear, brown, olive, 7-Up green, and aqua), fire-cracked rock, a possible metal game piece, and an 1841 coin of an unknown origin (**Figure 2**). A single adult human tooth with postmortem damage, was also recovered during Level 2 screening efforts. No other identifiable human bone or bone fragments were recovered from EU-01 in Level 2 or any previous levels for the unit. Furthermore, there are no possible features or soil changes indicating the potential encounter of additional fragments or intact remains. The THC and AMAAC were notified of the find, and written notification was sent to the THC. Due to the singular nature of the tooth and the disturbed context of the find, the recovered tooth was classified as an Isolated Find and excavations continued. Should additional human bone or bone fragments be encountered, RKI archaeologists will halt excavations and consult with the appropriate entities.

Exploratory excavation for EU-02 began this week with the completion of Level 1 (20-30 cm below datum) Level 2 (30-40 cm below datum), and Level 3 (40-50 cm below datum) (**Figure 3**). Soils within the unit continued to consist of sterile sands within the southern three quarters of the unit, with the northern quarter of the unit being the same silty clay matrix observed within the other Church unit excavations. Cultural materials observed this week in EU-02 consisted of large volumes of construction material (asphalt, concrete, and limestone fragments), faunal bone and bone fragments (rodent and small to large mammal), container glass fragments (clear, brown, and green), ferrous nails, and ceramic sherds (earthenware). All cultural materials observed were restricted to the northern quarter of the unit, within the silty clay matrix. No cultural materials were recovered from the sterile sand matrix. The bottom of the sterile sand and plastic tarp (set in place during the 1995 CAR UTSA investigations) was exposed by the end of the week and removed to reveal the silty clay matrix throughout the entire unit (**Figure 4**).

Identifiable human bone and bone fragments recovered this week from EU-02 consisted of lower limb elements and upper limb elements, all measuring less than 5 cm in length on average. Additional bone fragments measuring less than 1-2 cm in length were also recovered, but it is not readily determinable whether these fragments are human or faunal bone. No articulated elements were recovered within the boundaries of the unit. All identifiable elements indicate a mixture of skeletal elements. Identifiable elements from EU-02 this week represented the adult age groups.

Excavations for EU-03 continued this week with the completion of Level 7 (70-80 cm below datum) and Level 8 (80-90 cm below datum) (**Figure 5**). The construction trench associated with the cast iron utility pipe documented in the previous week continued through to the bottom of Level 8. Three compacted caliche surfaces were identified this week in EU-03: the first at 74 cm below datum; the second at 80 cm below datum; and the third at 86 cm below datum. All three surfaces are constructed of varying compacted caliche and lime matrices, and are partially separated by a thin (less than 1 cm) layer of dark brown soil matrix. All three surfaces had been impacted by the utility trench, as well as two post hole features near the southern end of the unit. Artifacts recovered this week from EU-03 were minimal and

include mostly faunal bone and bone fragments (bird and medium to large mammal) with a few ceramic sherds (Spanish Colonial) observed.

No excavation for EU-04 and EU-05 occurred this week.

Exploratory excavations for EU-06 continued with the completion of Level 9 (110-120 cm below datum). Further excavations uncovered additional limestone rocks throughout most of the eastern half of the profile. It is unclear if the stone concentration is a cultural or natural deposit; however, the stones appear to be similar to the deposits observed during lower level excavations of the Long Barrack. Additional excavations for EU-06 also further defined the soil change between the dark brown clay and the lighter soil matrix identified in the previous week. It was observed that the human bone and bone fragment concentration identified in the previous week appears to be contained to the lighter soil matrix within the unit. The human bone and bone fragments are tightly bundled together in a manner that appears to represent an intentional burial. The protocol set forth in the Human Remains Treatment Plan will inform the next steps in the process as possible designations are determined. As such, all work in EU-06 will halt pending the cemetery designation progress. The human bone and bone fragments will be covered with a thin layer of sterile soil matrix to prevent drying out, and will then be covered with a layer of muslin and more sterile soil.

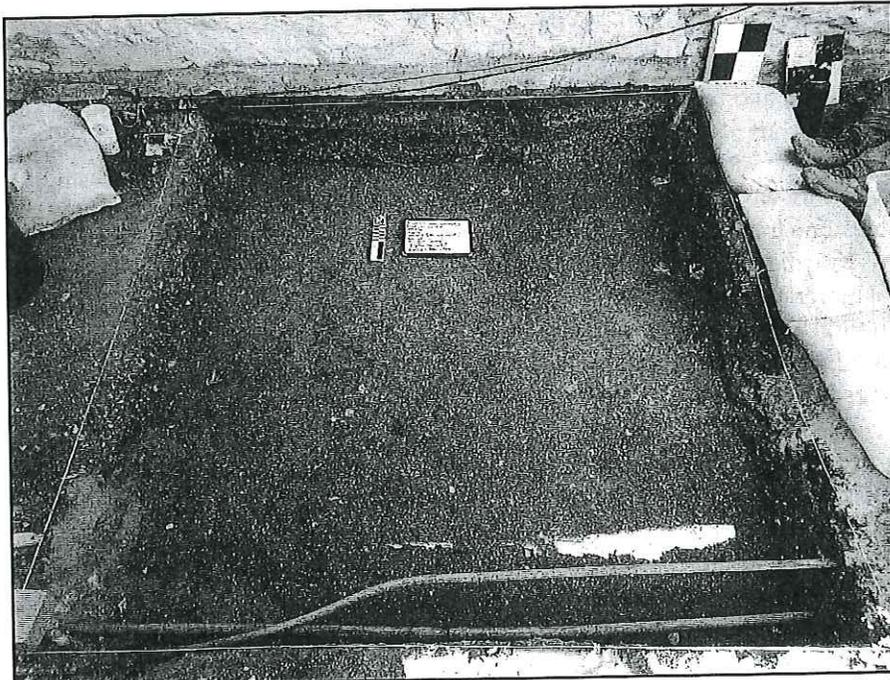


Figure 1. Closing of Level 2 (30-40 cm below datum) excavations for EU-01, facing north.

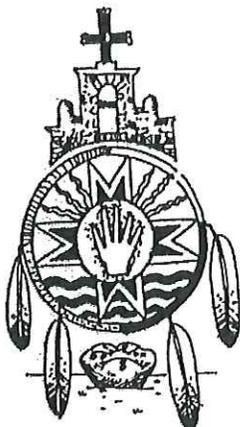
Exhibit H

Land Owner Letters

Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966



January 21, 2020

State of Texas
PO Box 29928
Austin, TX 78229-0928

Re: Notice of Unverified Cemetery

Dear State of Texas,

Tap Pilam
Coahuiltecan Nation
Tribal Council

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

Pakawan
Mickey Killian
pakawan@twc.com

Auteca Paguame
Ramon Vasquez y Sanchez
Vasquezysanchez@yahoo.com

Xarame
Linda Ximenez
Lindax1944@gmail.com

Pamposa
Stephen Casanova
Deceased

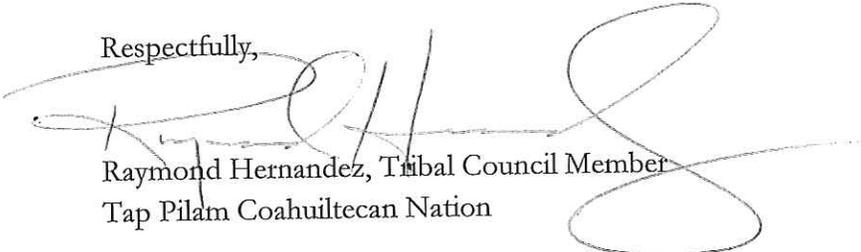
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(b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

(c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.

(d) If the Texas Historical Commission determines that there is sufficient evidence that a cemetery exists, the Texas Historical Commission shall file notice of the existence of the cemetery under the provisions of Section 711.0111.

Respectfully,

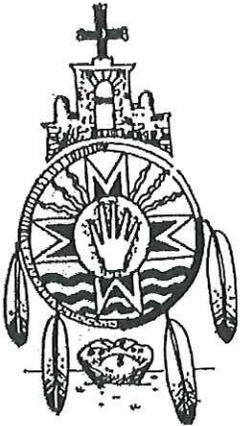

Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation

NCB 552 Blk Lot A6, A8 & A9
NCB 115 BLK LOT ALL OF BLK & P-100(.209AC)

Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966



January 21, 2020

General Land Office
1700 N. Congress Ave., 8th Floor
Austin, TX 78701

Re: Notice of Unverified Cemetery

Tap Pilam
Coahuiltecan Nation
Tribal Council

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

Pakawan
Mickey Killian
pakawan@twc.com

Auteca Paguame
Ramon Vasquez y Sanchez
Vasquezysanchez@yahoo.com

Xarame
Linda Ximenez
Lindax1944@gmail.com

Pamposa
Stephen Casanova
Deceased

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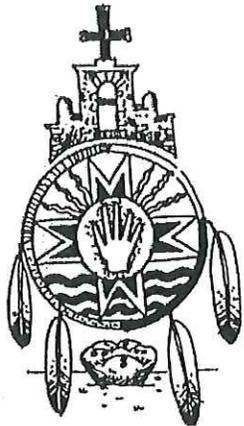
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Respectfully,

A handwritten signature in black ink, appearing to read 'Raymond Hernandez', is written over a horizontal line.

Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation



Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966

January 21, 2020

City of San Antonio
100 Military Plaza
San Antonio, TX 78205

Re: Notice of Unverified Cemetery

Tap Pilam
Coahuiltecan Nation
Tribal Council

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

Pakawan
Mickey Killian
pakawan@twc.com

Auteca Paguame
Ramon Vasquez y Sanchez
Vasquezysanchez@yahoo.com

Xarame
Linda Ximenez
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Pamposa
Stephen Casanova
Deceased

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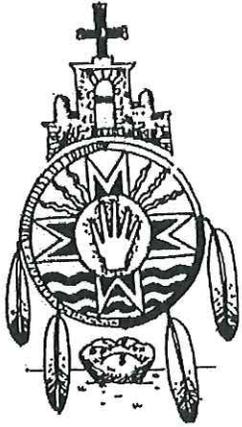
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Respectfully,

Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation



Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966

January 21, 2020

TCW Boardwalk Properties LTD & TCW Gulfdale 10821 Properties LTD
4040 Broadway St., Suite 315
San Antonio, TX 78209-6375

Re: Notice of Unverified Cemetery

Tap Pilam
Coahuiltecan Nation
Tribal Council

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

Pakawan
Mickey Killian
pakawan@twc.com

Auteca Paguame
Ramon Vasquez y Sanchez
Vasquezysanchez@yahoo.com

Xarame
Linda Ximenez
Lindax1944@gmail.com

Pamposa
Stephen Casanova
Deceased

Dear Business Owner,

Pursuant to the Texas Health and Safety Code Sec. 711.0111. FILING RECORD OF UNVERIFIED CEMETERY: (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.

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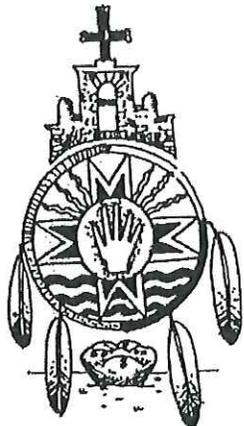
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Respectfully,

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Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation



Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966

January 21, 2020

State of Texas
PO Box 2599
Austin, TX 78229-2599

Re: Notice of Unverified Cemetery

Tap Pilam
Coahuiltecan Nation
Tribal Council

Dear State of Texas,

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

Pursuant to the Texas Health and Safety Code Sec. 711.0111. FILING RECORD OF UNVERIFIED CEMETERY: (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.

Pakawan
Mickey Killian
pakawan@twc.com

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Auteca Paguame
Ramon Vasquez y Sanchez
Vasquezysanchez@yahoo.com

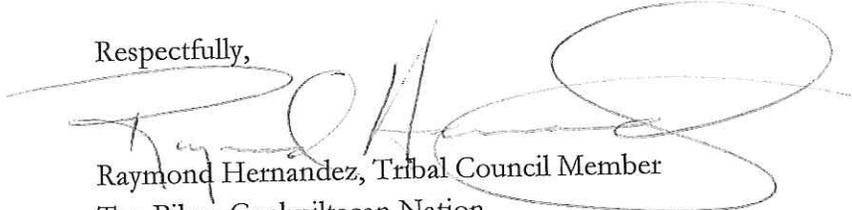
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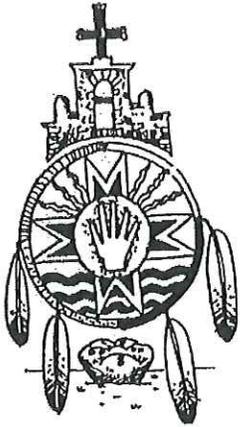
Xarame
Linda Ximenez
Lindax1944@gmail.com

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Pamposa
Stephen Casanova
Deceased

Respectfully,


Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation



Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966

January 21, 2020

Carolyn E W Rodriguez
Nora LW Curran
205 Cloverleaf Ave.
San Antonio, TX 78209-3820

Re: Notice of Unverified Cemetery

Tap Pilam
Coahuiltecan Nation
Tribal Council

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

Pakawan
Mickey Killian
pakawan@twc.com

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Ramon Vasquez y Sanchez
Vasquezysanchez@yahoo.com

Xarame
Linda Ximenez
Lindax1944@gmail.com

Pamposa
Stephen Casanova
Deceased

Dear Land Owner,

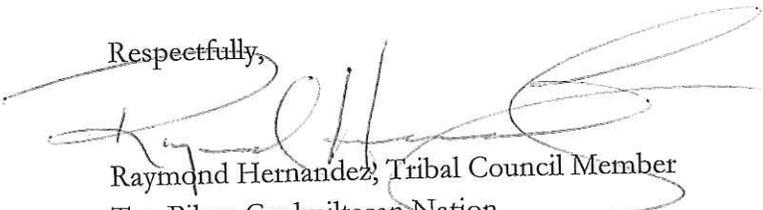
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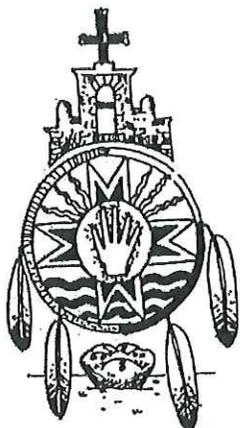
Respectfully,


Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation

Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966



January 21, 2020

Emily Morgan LLC
5847 San Felipe St., Ste 4650
Houston, TX 77057-3277

Re: Notice of Unverified Cemetery

Dear Emily Morgan LLC,

Tap Pilam
Coahuiltecan Nation
Tribal Council

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

Pakawan
Mickey Killian
pakawan@twc.com

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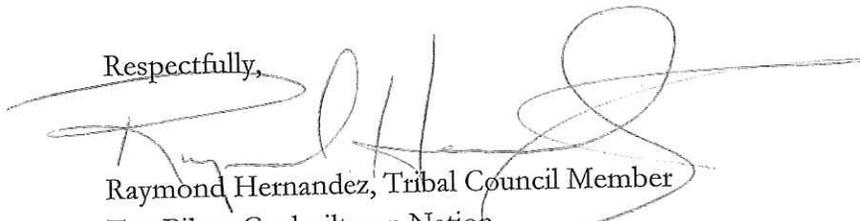
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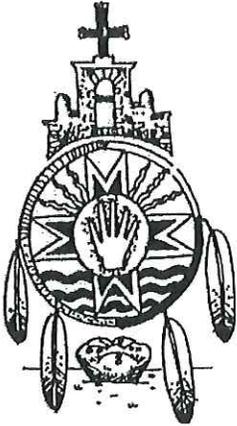
Respectfully,


Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation

Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966



January 21, 2020

TCW Third Street Properties & TCW Management LLC
4040 Broadway St., Suite 315
San Antonio, TX 78209-6375

Re: Notice of Unverified Cemetery

Dear Property Owner,

Tap Pilam
Coahuiltecan Nation
Tribal Council

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

Pakawan
Mickey Killian
pakawan@twc.com

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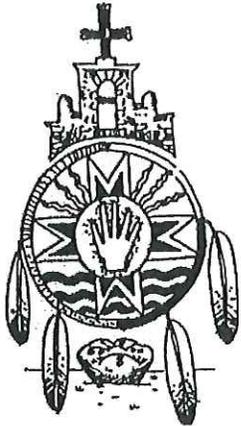
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Respectfully,


Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation

NCB 424 Blk 22 P-100
NCB 424 Blk 22 Lot S 45.8 ft of 4
NCB 424 Blk 22 Lot N IRR 27.04' of 4



Tap Pilam Coahuiltecan Nation

1313 Guadalupe St. Suite 104, San Antonio, Texas 78207

Ph. 210-227-4940, Fax 210-227-4966

January 21, 2020

United States Government
Union Square Bldg
10101 Reunion Pl.
San Antonio, TX 78216-4160

Re: Notice of Unverified Cemetery

Tap Pilam
Coahuiltecan Nation
Tribal Council

Pa-nam-a Payaya
Raymond Hernandez
ray@hillsoftexas.com

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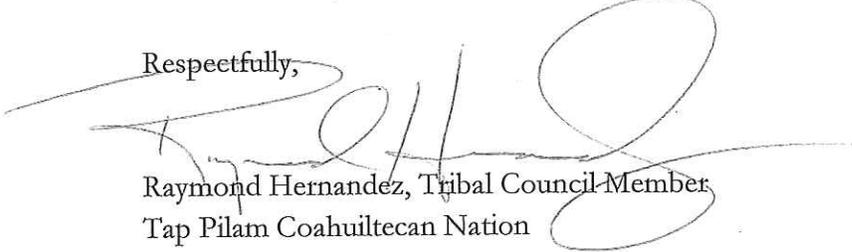
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(b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

(c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.

(d) If the Texas Historical Commission determines that there is sufficient evidence that a cemetery exists, the Texas Historical Commission shall file notice of the existence of the cemetery under the provisions of Section 711.0111.

Respectfully,


Raymond Hernandez, Tribal Council Member
Tap Pilam Coahuiltecan Nation

This Notice signed and executed on the 21st day of January, 2020.

[Handwritten Signature]
(signature)

Raymond Hernandez
(printed name)

273 Nicks Rd. Compton TX
(address) 78013

THE STATE OF TEXAS §

§

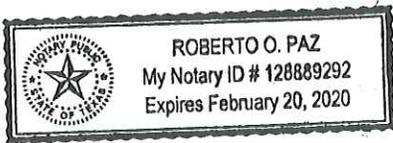
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 21st day of January, 2020,

by ROBERTO O. PAZ.

[Handwritten Signature]

Notary Public, State of Texas



TAB 4

TEXAS HISTORICAL COMMISSION

Item 4.A
Texas Historical Commission
Quarterly Meeting
May 12, 2020

Consider adoption of amendments to TAC, Title 13, Part 2, Chapter 24, Restricted Cultural Resource Information, Rule §24.17 related to the correction to the citation regarding the definitions of professional archeologist and principal investigator without changes to the text as published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1096-1097)

Background:

The Texas Historical Commission proposes adoption of amendments to Title 13 of the Texas Administrative Code, Part 2, Chapter 24, Rule §24.17. The amendment corrects the citation to the definitions of professional archeologist and principal investigator found in Title 13 of the Texas Administrative Code, Part 2, Chapter 24, Subchapter C, Rule §26.5.

Suggested Motion:

Move approval of adoption of amendments to Texas Administrative Code, Title 13, Part 2, Chapter 24, Restricted Cultural Resource Information, Rule §24.17 the definitions of professional archeologist and principal investigator without changes to the text as published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1096-1097).

TEXAS HISTORICAL COMMISSION

ADOPTION PREAMBLE

The Texas Historical Commission (Commission) adopts an amendment to Title 13 of the Texas Administrative Code, Part 2, Chapter 24, Rule §24.17 relating to Restricted Cultural Resource Information. The amendment is adopted without changes to the proposed text published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1096-1097).

The amendments correct a numbering error in the citation referencing the definition of professional archeologist, or principal investigator, found in 13 TAC § 26. The previous citation found in § 24.17 (a) (2) referenced the definition of professional archeologist or principal investigator as defined by § 26.5. By adoption of this amendment, the correct citation is § 26.4.

There were no comments received during the posting period.

This amendment is adopted under the authority of Texas Government Code § 442.005(b), which designates the Commission as the agency responsible for the administration of the Antiquities Code of Texas. The proposed amendment implements §§ 191.091 and 191.092 of the Texas Natural Resources Code. No other statutes, articles, or codes are affected by these amendments.

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

Rule §24.17 is adopted as appears below:

TEXAS HISTORICAL COMMISSION

TITLE 13 CULTURAL RESOURCES
PART 2 TEXAS HISTORICAL COMMISSION
CHAPTER 24 RESTRICTED CULTURAL RESOURCE INFORMATION
RULE §24.17 CRITERIA FOR ACCESS TO RESTRICTED INFORMATION

(a) Qualified applicants meeting one or more of the following criteria may be granted access by the THSA Coordinator:

(1) Meet the Secretary of Interior's Professional Qualifications Standards (36 CFR Part 61) for Archeology.

(2) Meet the definition of professional archeologist, or principal investigator as defined by §26.4 of this title (relating to Definitions)

(3) Be a current member of the Texas Archeological Stewardship Network.

(b) Applications from persons not meeting the criteria set forth in subsection (a) of this section must have a clear and legitimate scientific or legal interest in being granted access to RCRI. Their applications will be reviewed by the access committee, and access will be granted or denied by the committee as specified in §24.19 of this title (relating to Restricted Information Application Submission and Review Procedures).

(c) If an applicant is denied access to RCRI, the applicant may appeal that decision before the commission at one of its regularly scheduled public meetings. Appeals must be submitted in writing to the commission at least 30 days prior to a scheduled meeting of the commission.

(d) Limitations on access to RCRI.

(1) Firms engaged in the business of cultural resource management for profit that do not have a qualified staff archeologist do not have a legitimate scientific or legal interest and may not be granted access to RCRI.

(2) Entities granted access to RCRI solely on the basis of ownership shall be granted access only to information on the sites they actually own, to the extent it is practical to limit such access. They shall not be granted statewide access to the restricted portion of the THSA.

(3) Technical support personnel working with and under the supervision of a currently authorized RCRI user who has a legitimate scientific or legal interest may be granted access.

(4) College students must submit a letter from a sponsoring professor, verifying their need to access the restricted data of the THSA together with the RCRI application form. If access is approved, students must work under the supervision of a currently-authorized RCRI user.

TAB 4.B

TEXAS HISTORICAL COMMISSION

Item 4.B
Texas Historical Commission
Quarterly Meeting
May 12, 2020

Consider adoption of amendments to TAC, Title 13, Part 2, Chapter 26, Subchapter C, Rules §§ 26.13, 26.15 and 26.17, related to archeological permits and decisions concerning destructive analysis of human remains without changes to the text as published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1098-1102)

Background:

The Texas Historical Commission (Commission) proposes amendments to §§ 26.13, 26.15, and 26.17, TAC, Title 13, Part 2, Chapter 26, Subchapter C relating to archeological permits and decisions concerning destructive analysis of human remains. This change establishes requirements for research designs and Antiquities Code permits relating to the use of destructive techniques for analysis for all collections, but particularly human remains.

Suggested Motion:

Move approval of adoption of amendments to Texas Administrative Code, Title 13, Part 2, Chapter 26, Subchapter C, Restricted Cultural Resource Information, Rule § 26.13, 26.15, and 26.17 relating to archeological permits and decisions concerning destructive analysis of human remains. Without changes to the text as published in the February 21, 2020 issue the *Texas Register* (45 TexReg 1098-1102).

TEXAS HISTORICAL COMMISSION

ADOPTION PREAMBLE

The Texas Historical Commission (Commission) adopts amendments to §§ 26.13, 26.15, and 26.17, TAC, Title 13, Part 2, Chapter 26, Subchapter C relating to archeological permits and decisions concerning destructive analysis of human remains. The amendments are adopted with/without changes to the proposed text published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1098-1102).

The amendment to §26.13 for Application of Archeological Permits clarifies that any permitted archeological investigation employing destructive methods to conduct analysis on human remains must include the proposed analysis as part of the research design of the project, or address this through a permit amendment prior to initiation of analysis.

The amendment to §26.15 for Archeological Permit Categories reiterates the responsibility of the permittee or sponsor to fund and provide the support necessary to complete permitted projects. Additionally, a new permit type, the Human Remains Testing permit, is established to ensure that the Commission has clear authority over any destructive analysis of human remains that are held-in-trust.

The amendment to §26.17 for Principal Investigator's Responsibilities for Disposition of Archeological Artifacts and Data clarifies the circumstances and processes for the use of destructive analysis on held-in-trust and permitted archeological collections, including human remains, referenced in 13 TAC 26.17(f).

There were no comments received during the posting period.

The amendments to Rules §§ 26.13, 26.15, and 26.17 (Title 13, Part II of the Texas Administrative Code) are adopted under the authority of Texas Government Code § 442.005(b), which designates the Commission as the agency responsible for the administration of the Antiquities Code of Texas. Natural Resources Code § 191.054 allows the Commission to issue permits for the survey and discovery, excavation, demolition, or restoration of, or the conduct of scientific or educational studies at, in, or on landmarks. The amendments are further authorized by Texas Government Code § 442.005(q), which grants the Commission the power to adopt rules to administer Chapter 442 of the Texas Government Code. The proposed amendments implement §§ 191.054 and 191.055 of the Texas Natural Resources Code. No other statutes, articles, or codes are affected by these amendments.

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

Rules §§ 26.13, 26.15, and 26.17 are adopted as appears below:

TEXAS HISTORICAL COMMISSION

TITLE 13 CULTURAL RESOURCES
PART 2 TEXAS HISTORICAL COMMISSION
CHAPTER 26 PRACTICE AND PROCEDURE
SUBCHAPTER C ARCHEOLOGY

RULE § 26.13 Application for Archeological Permits

(a) Justification for investigation. Investigations undertaken on publicly owned cultural resources or to locate or discover such resources must be oriented toward solving a particular research problem, preparation of a site for public interpretation, or for the purpose of salvaging information and specimens from a site threatened with immediate destruction.

(b) Eligibility for application. Permits to conduct investigations of any nature on landmarks or for the discovery of potential landmarks, or on lands owned or controlled by agencies or political subdivisions of the state will be issued exclusively by the commission under the conditions provided in the Antiquities Code of Texas and in this chapter.

(1) Permits may be issued by the commission to scientific and educational institutions, nonprofit corporations and organizations, investigative firms, and governmental agencies which have demonstrated their ability to carry out proper archeological investigations through their own staffs, including one or more professional archeologists who can serve as principal investigators, and who will supervise the project, or through a contract with a professional archeologist who can serve as a principal investigator. Permits may also be issued to individuals and private corporations who:

(A) retain a professional archeologist who can serve as a principal investigator for the investigations, and can be in direct charge of the project from field investigation through preservation of collections and analysis of data to reporting of results; and

(B) if required by the commission or the terms or conditions of a Memorandum of Understanding, provide proof that adequate funds, equipment, facilities, and personnel are available to properly conduct the investigation as proposed to the commission, and to report the results. The commission may require a performance bond to be posted as part of the application process.

(2) State or local archeological societies and archeological stewards wishing to conduct investigations on landmarks must have a principal investigator and be limited to non-compliance, investigation activities.

(3) Principal investigators holding one or more defaulted permits are not eligible to be issued additional permits until all terms and conditions of defaulted permits are met.

(4) Principal investigators and investigative firms that are currently censured due to permit application offenses are not eligible to be issued a permit. Once the censure period has lapsed the censured principal investigator or investigative firm will be eligible to be issued a permit.

TEXAS HISTORICAL COMMISSION

(5) No permits will be issued if the principal investigator and/or investigative firm cannot commit to direction of the permitted investigations by the principal investigator.

(c) Application for permit. Permit application forms may be obtained from the commission. Any institution, corporation, organization, museum, investigative firm, or individual desiring a permit for investigations must file a completed application with the commission prior to the proposed beginning date of the project. Special circumstances may require that a permit be issued on short notice when a site is threatened with immediate destruction. When a permit is issued for emergency salvage of a site threatened with destruction, the same rules apply as with all permits. The permit application must include:

(1) a statement of the purpose of the investigation;

(2) an outline of the proposed work and research design;

(3) the proposed beginning date for the fieldwork and the length of time that will be devoted to the entire project;

(4) name, address, and telephone number of the principal investigator, sponsor, and landowning or controlling agency;

(5) an accurate plotting of the particular site or area to be investigated on a 7.5' USGS quadrangle map and locational data indicating the universal transverse mercator (UTM) coordinates;

(6) the name of the facility where the specimens, material, and data will be kept during analysis of results of the investigation; and

(7) evidence of adequate funds, personnel, equipment, and facilities to properly complete the proposed investigation.

(d) Research design. Research designs prepared prior to implementation of a field study and submitted with an Archeological Permit Application Form are essential to the success of scientific objectives, resource management decision-making, and project management. The following points should be considered during formulation of a research design.

(1) Research designs present the essential objectives of a project or study and the means by which those objectives will be attained. As such, the research design is an efficient means of communicating with resource managers and the professional community at large.

(2) The research design provides a logical basis for detailed project planning and assessment of resource significance.

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(3) Research designs may contain a wide range of theoretical and methodological approaches. Similarly, research designs may address general research objectives, as well as more focused types of problem orientation. The following criteria shall be met.

(A) Care should be taken to link the research design to existing topical and geographical bodies of data.

(B) The nature of the resources under investigation should be considered.

(C) The need to address a wide range of cultural and scientific resources should be considered.

(D) Applied research that addresses cultural resource management and impact-related issues should be recognized as necessary and incorporated into research designs whenever possible.

(E) The skills of the investigative personnel must be appropriate to the project goals and specifications in the research design. In many cases it may be desirable to include provisions for consultants with special expertise.

(4) Research designs should not be conceived as rigid, unchanging plans. Although research designs may place relatively greater emphasis on certain kinds of scientific questions and certain kinds of data collection, as circumstances warrant, the investigator is not relieved of responsibility to recognize other research. Whether such alternative questions and data warrant changes in the ongoing investigation is a question that should be explicitly addressed and answered in the context of pertinent resource management objectives and research goals. It is expected that research designs will be modified as projects develop. A conscious effort should be made to modify research designs to exploit new information efficiently. It is to be expected that some research objectives will, for many reasons, prove less productive than anticipated, while other objectives will become more important than anticipated or perhaps materialize for the first time. The crucial objectives in the modification process are:

(A) demonstrated progress in solving stated problems; and

(B) subsequent modification of a research design on the basis of explicit, rational decisions intended to attain stated goals.

(5) Research designs that anticipate encountering human remains must contain a detailed treatment and preservation plan developed in consultation with the Commission. Any analytical methodologies resulting in the destruction of human remains to obtain the maximum amount of scientific knowledge must be explicitly addressed in the research design, for the Antiquities Permit or must be approved by the commission with a permit amendment prior to initiation.

RULE § 26.15 Archeological Permit Categories

Several categories of permits oriented toward specific types of investigation are issued by the commission. Pursuant to 13 TAC §26.13, the permit applicant or project sponsor is responsible

TEXAS HISTORICAL COMMISSION

for ensuring that all permitted projects are undertaken by qualified personnel and with adequate funds and material support. The following is a list of permits associated with archeological investigations:

(1) Annual permit. A public agency or institution may be granted an Annual Permit, allowing for survey, recording, study, protection, stabilization, or conservation projects that cover a number of similar investigations at different locations. The annual permit will be issued for a specific period of time and may be developed by the public agency or institution, and the commission either under the auspices of a Memorandum of Understanding (MOU) or by means of a letter agreement. Annual Permits may also be used to govern the survey, recording, study, protection, stabilization, and conservation projects related to designated landmarks or eligible landmarks. The Annual Permit will adhere to, but not be limited to, the commission's rules. The standards described in an Annual Permit will be administered by a qualified archeologist on the staff of or contracted by that public agency or institution. The commission will be informed through an annual report of all projects completed under the authority of the Annual Permit with details adequate to confirm compliance.

(2) Alternative mitigation permit. A permit issued for a mitigation alternative may require additional conditions including studies, investigations, or other actions as deemed necessary by the commission, and will be specified in the terms and conditions of the permit. Permission for construction to proceed may be granted depending upon the satisfaction of the terms of the permit. Alternative forms of mitigation may include, but are not limited to:

(A) monitoring of a proposed construction project to record and report the discovery of unanticipated, important archeological deposits;

(B) conducting archival and historical research to document the significance of the site;

(C) capping or burying in place important archeological deposits if deemed appropriate by the commission;

(D) protecting significant remaining portions of a site by donation of the undisturbed area to a nonprofit organization, state agency, or a political subdivision of the state; and

(E) by acquisition and donation of a site or sites to a nonprofit organization, state agency, or a political subdivision of the state.

(3) Data recovery permit. This permit category is for the purpose of full investigation and extensive excavation of particular archeological site or sites. Data recovery must be based on a research design approved by the commission. The evidence from a skillfully accomplished archeological excavation provides a detailed picture of the human activities at the site; emphasis is placed on the information that can be elicited rather than on the artifacts. In data recovery, the archeological deposits are removed by digging and are, therefore destroyed. Permission for construction to proceed may be granted depending upon the results of this level of investigation. Specific requirements may be set forth by the commission in the permit. The destruction can be justified only if:

TEXAS HISTORICAL COMMISSION

(A) it is done with such care that antiquities and cultural and environmental data in the area excavated are discovered, and if possible, preserved;

(B) information has been accurately recorded, whether its importance is immediately recognized or not, to remain available after the site has disappeared; and

(C) the record and results of the investigation are made available through publication.

(4) Emergency permit. A permit may be authorized by the commission for the purposes of performing investigations prior to formal application for a permit. Any of the above-referenced categories of investigations can be authorized under an emergency permit, but an emergency permit will only be issued under conditions where the investigations must be initiated or performed prior to the formal issuance of the permit. Legitimate emergency conditions include those situations when archeological deposits are discovered during development or other construction projects or under conditions of natural or man-made disasters that necessitate immediate action to deal with the situation and findings. Permission for construction to proceed may be granted depending upon the results of this level of investigation.

(5) Exhumation permit. The excavation of human burials or cemeteries and its associated funerary objects by a professional archeologist, or principal investigator in accordance with the Texas Health and Safety Code, Chapter 711.

(6) Human remains testing permit. This permit is issued for the destructive analysis of human remains that are accessioned held-in-trust state associated collections maintained in certified curatorial repositories as described under 13 TAC §29.5 and in accordance with the Texas Health and Safety Code, Chapter 711. Destructive analysis may include, but is not limited to, DNA, radiocarbon dating, or isotope analysis. Specific requirements for investigation and reporting may be required by the commission as part of the permit.

(7) Intensive survey permit. This permit category is for the purpose of an intensive 100 percent pedestrian survey of a project or permit area. Components of an intensive survey may include, but are not limited to, archival research, pedestrian survey, shovel and/or mechanical subsurface probing, surface artifact inventories, site recordation, and site assessment. Such a survey can be performed in many ways but must, at a minimum, conform to the Archeological Survey Standards for Texas, which are available through the commission and the Council of Texas Archeologists. Permission for construction to proceed may be granted depending upon the results of this level of investigation.

(8) Monitoring permit. Unless otherwise specifically authorized by the commission, this permit category is for the purpose of having a professional archeologist on-site to observe construction activities that may or will damage cultural resources. The archeologist is required to report findings and impacts to sites to the commission. Monitoring may be conducted during or after other phases of archeological investigation and may not involve the need for a separate permit. However, if monitoring is the only investigation deemed necessary relative to a construction activity, then a monitoring permit will be required. If previously unrecorded and significant archeological deposits are recorded during a monitoring investigation, construction activities in

TEXAS HISTORICAL COMMISSION

the immediate area of the find must stop and the principal investigator must notify the Archeology Division of the find within 24 hours. Specific requirements of monitoring may be required by the commission as part of the permit.

(9) Preservation of rock art. This permit category is for the purposes of preserving, removing, recording, and copying all manner of rock art. Preservation techniques which involve application of brushes, heat, chemicals, water, chalk, petroleum products, or other preparations to the rock surfaces are prohibited unless specifically authorized by the commission. Specific requirements may be included by the commission as part of the permit.

(10) Reconnaissance survey permit. This permit category is for the purpose of location, inventory, and assessment of cultural resources of a specific area by conducting archival searches and by searching for sites. Reconnaissance is limited to recording site locations, mapping, photographing, controlled surface sampling, and possible limited shovel testing. A reconnaissance survey does not take the place of an intensive survey; it is used to determine whether an intensive survey will be warranted. Specific requirements may be imposed by the commission as part of the permit. Permission for construction to proceed may be granted depending upon the results of this level of investigation.

(11) Testing permit. This permit category is for the purpose of detailed subsurface examination of cultural resources including systematic test excavations of a particular site or area. Testing must be oriented toward sampling a representative portion of a particular site or sites and may be conducted to determine if a landmark contains significant materials. Specific requirements may be imposed by the commission as part of the permit. Permission for construction to proceed may be granted depending upon the results of this level of investigation.

(12) Underwater excavations permit. In order to fulfill justified research objectives, or if damage to significant historic and prehistoric sites cannot be avoided, a full-scale underwater archeological excavation must be carried out under the direct supervision of an underwater archeologist. The intensive investigation and excavation must include documentary research and, for shipwrecks, detailed magnetometer work. Excavations must be supported by adequate equipment and supplies to insure proper recording, preservation, and the recovery of the maximum amount of data. Thorough analysis and a complete report are required. Proper antiquities conservation is required for all artifacts, and all specimens recovered are state property. Specific requirements may be included by the commission as part of the permit. Permission for construction to proceed may be granted depending upon the results of this level of investigation.

(13) Underwater survey permit. Underwater resources include shipwrecks and submerged prehistoric and historic sites. Surveys for these cultural resources are conducted with electronic instrumentation including the proton magnetometer, side-scan and sub-bottom sonar, and positioning systems. In some instances, divers, using scuba gear search for and examine a specific site or structure. Work is conducted under the direct supervision of an underwater archeologist or underwater archeological surveyor. Data acquired are to be rendered to the commission along with an analysis and report. Specific requirements may be included by the commission as part of the permit. Permission for construction to proceed may be granted depending upon the results of this level of investigation.

(14) Underwater test excavations permit. Significant magnetic and/or acoustic anomalies discovered during survey must be tested by excavation under the direct supervision of an underwater archeologist in order to determine the source of the anomalies. Inspection by divers, coring, or other appropriate means must be used to test the nature of suspected prehistoric or

TEXAS HISTORICAL COMMISSION

historic sites. In the case of magnetic anomalies, sediment must be removed to allow identification, approximate dating, and determination of the importance of objects and sites found. Any artifacts recovered from state lands are property of the State of Texas. Extensive recovery during testing is discouraged. Accepted standards for provenience control and archeological data recovery must be maintained. Data must be analyzed and rendered to the commission in a written report. Proper conservation of any artifacts recovered must be carried out. Specific requirements may be required by the commission as part of the permit. Permission for construction to proceed may be granted depending upon the results of this level of investigation.

RULE § 26.17 Principal Investigator's Responsibilities for Disposition of Archeological Artifacts and Data

(a) Processing. Principal investigators who receive permits shall be responsible for cleaning, conserving, cataloguing, packaging in archival materials; arranging for the curation of all collections, specimens, samples, and records; and for the reporting of results of the investigation.

(b) Ownership. All specimens, artifacts, materials, samples, original field notes, maps, drawings, photographs, and standard state site survey forms resulting from the investigations remain the property of State of Texas. Certain exceptions left to the discretion of the commission are contained in Texas Natural Resources Code, §191.052(b). The commission will determine the final disposition of all artifacts, specimens, materials, and data recovered by investigations on landmarks or potential landmarks, which remain the property of the State. Antiquities from landmarks are of inestimable historical and scientific value and should be preserved and utilized in such a way as to benefit all the citizens of Texas. Such antiquities shall never be used for commercial exploitation.

(c) Housing, conserving, and exhibiting antiquities from landmarks.

(1) After investigation of a landmark has culminated in the reporting of results, the antiquities will be permanently preserved in research collections at the curatorial facility approved by the commission. Prior to the expiration of the permit, proof that archeological collections and related field notes are housed in a curatorial facility is required through the submission of a curation form. Failure to demonstrate proof before the permit expiration date may result in the principal investigator and co-principal investigator falling into default status.

(2) Institutions housing antiquities from landmarks will also be responsible for adequate security of the collections, continued conservation, periodic inventory, and for making the collections available to qualified institutions, individuals, or corporations for research purposes.

(3) Exhibits of materials recovered from landmarks will be designed in such a way as to provide the maximum amount of historical, scientific, archeological, and educational information to all the citizens of Texas. First preference will be given to traveling exhibits following guidelines provided by the commission and originating at an adequate facility nearest the point of recovery. Permanent exhibits of antiquities may be prepared by institutions maintaining such collections

TEXAS HISTORICAL COMMISSION

following guidelines provided by the commission. A variety of special, short-term exhibits may also be authorized by the commission.

(d) Pursuant to Texas Natural Resources Code, §§191.091 - 191.092, all antiquities found on land or under waters belonging to the State of Texas or any political subdivision of the State belong to the State of Texas. The commission is charged with the administration of the Antiquities Code of Texas and exercises the authority of the State in matters related to these held-in-trust collections.

(e) Decisions regarding the disposal or destructive analysis of held-in-trust collections are the legal responsibility of the commission. Acceptable circumstances for disposal or destructive analysis are provided by this chapter. Exceptions may be considered by the commission. Under no circumstances will held-in-trust collections be disposed of through sale.

(f) Disposal. The commission's rules for disposal apply to state-associated collections prior to accessioning from an archeological project on public land or under public water under an Antiquities Permit issued by the commission.

(1) Disposal of state-associated collections from a site on public land or from public water under an antiquities permit issued by the commission must be approved by the commission. Approval for anticipated disposal is by means of an approved research design at the time the Antiquities Permit is issued. The manner in which any state-associated collection is to be disposed must be included in the research design. Additional disposal not included in the approved research design must be approved by the commission prior to any disposal action.

(2) The appropriate reasons for disposal of state-associated collections include, but are not limited to, the following:

(A) are highly redundant and without additional merit.

(B) lack historical, cultural, or scientific value.

(C) have decayed or decomposed beyond reasonable use and repair or by their condition constitute a hazard to other objects in the collection.

(D) may be subject to disposal as required by federal laws.

(3) State-associated collections disposed of after recovery must be documented in the notes and final report, with copies provided to the curatorial facility.

(4) The commission relinquishes title for the State to any state-associated collections approved for disposal. The state-associated collections must be disposed of in a suitable manner.

(g) Destructive Analysis. The commission's rules for destructive analysis apply to state-associated collections that are accessioned and held-in-trust by a certified repository as stated in 13 TAC §29.5 (g). All analysis of artifacts, including human remains, that is destructive in nature

TEXAS HISTORICAL COMMISSION

and conducted prior to accessioning must be covered by the research design approved for the Antiquities Permit.

TAB 4.C

TEXAS HISTORICAL COMMISSION

Item 4.C
Texas Historical Commission
Quarterly Meeting
May 12, 2020

Consider adoption of amendments to TAC, Title 13, Part 2, Chapter 29, Management and Care of Artifacts and Collections, Rule §29.5 relating to Disposition of State Associated Collections without changes to the text as published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1102-1105)

Background:

The Texas Historical Commission proposes adoption of amendments to Title 13 of the Texas Administrative Code, Part 2, Chapter 29, Rule §29.5. This change establishes the circumstances for issuance of a Human Remains Testing permit for the destructive analysis of human remains from held-in-trust collections.

Suggested Motion:

Move approval of adoption of amendments to Texas Administrative Code, Title 13 of the Texas Administrative Code, Part 2, Chapter 29, Rule §29.5 related to the Disposition of State Associated Collections without changes to the text as published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1102-1105).

TEXAS HISTORICAL COMMISSION

ADOPTION PREAMBLE

The Texas Historical Commission (Commission) adopts amendments to Title 13 of the Texas Administrative Code, Part 2, Chapter 29, Rule §29.5 relating to Disposition of State Associated Collections. The amendments are adopted without changes to the proposed text published in the February 21, 2020 issue of the *Texas Register* (45 TexReg 1102-1105).

The amendment to the current rules for the Disposition of State Associated Collections clarifies the processes for the use of destructive analysis on held-in-trust human remains collections. Given the sensitive and special nature of human remains, the amendments are adopted to provide a defined process for the destructive analysis of human remains that establishes the Commission's need to review any proposed research and the potential to require issuance of a Human Remains Testing Permit as defined in 13 TAC 26.15.

There were no comments received during the posting period.

The amendment to Rule §29.5 of Chapter 29 (Title 13, Part II of the Texas Administrative Code) relating to the Disposition of State Associated Collections is adopted under the authority of Texas Government Code § 442.005(b), which designates the Commission as the agency responsible for the administration of the Antiquities Code of Texas located at Chapter 191 of the Texas Natural Resources Code. Natural Resources Code §191.055 grants the Commission supervisory authority with respect to permits issued under §§191.054 and .053 to ensure that the maximum amount of historic, scientific, archeological, and educational information may be recovered and preserved. The amendment is further authorized by Texas Government Code § 442.005(q), which grants the Commission authority to adopt rules to carry out its duties, including duties delegated in the Antiquities Code of Texas. The proposed amendments implement §§ 191.091 and 191.092 of the Texas Natural Resources Code. No other statutes, articles, or codes are affected by these amendments.

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

Rule §29.5 is adopted as appears below:

TEXAS HISTORICAL COMMISSION

TITLE 13 CULTURAL RESOURCES

PART 2 TEXAS HISTORICAL COMMISSION

CHAPTER 29 MANAGEMENT AND CARE OF ARTIFACTS AND COLLECTIONS

RULE § 29.5 Disposition of State Associated Collections

(a) Ownership. All specimens, artifacts, materials, and samples plus original field notes, maps, drawings, photographs, and standard state site survey forms, resulting from the investigations remain the property of the State of Texas. Certain exceptions left to the discretion of the Commission are contained in the Texas Natural Resources Code, §191.052(b). The Commission will determine the final disposition of all artifacts, specimens, materials, and data recovered by investigations on State Antiquities Landmarks or potential landmarks, which remain the property of the State. These state-associated collections are of inestimable historical and scientific value and should be preserved and utilized in such a way as to benefit all the citizens of Texas. It is the rule of the Commission that such antiquities shall never be used for commercial exploitation. (see also 13 TAC §26.17 (relating to Principal Investigator's Responsibilities for Disposition of Archeological Artifacts and Data))

(b) Housing, conserving, and exhibiting state-associated collections. (see also 13 TAC §26.17)

(1) After investigations conducted under the jurisdiction of the Antiquities Code of Texas have culminated in the reporting of results, these state-associated collections will be permanently preserved in research collections at a curatorial facility certified by the Commission. Prior to the expiration of a permit, proof that state-associated collections are housed in a curatorial facility is required. Failure to demonstrate proof before the permit expiration date may result in the principal investigator and co-principal investigator falling into default status. (see also 13 TAC §26.17)

(2) Institutions housing state-associated collections will also be responsible for adequate security of the collections, continued conservation, periodic inventory, and for making the collections available to qualified institutions, individuals, or corporations for research purposes. (see also 13 TAC §26.17)

(3) Exhibits of state-associated collections will be made in such a way as to provide the maximum amount of historical, scientific, archeological, and educational information to all the citizens of Texas. First preference will be given to traveling exhibits following guidelines provided by the Commission and originating at an adequate facility nearest to the point of recovery. Permanent exhibits of antiquities may be prepared by institutions maintaining such collections following guidelines provided by the Commission. A variety of special, short-term exhibits may also be authorized by the Commission. (see also 13 TAC §26.17)

(c) Access to state-associated collections for research purposes--collections retained under direct supervision of the Commission will be available under the following conditions:

(1) Request for access to collections must be made in writing to the curatorial facility holding the collections indicating to which collection and what part of the collection access is desired; nature of

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research and special requirements during access; who will have access, when, and for how long; type of report which will result; and expected date of report.

(2) Access will be granted during regular working hours to qualified institutions or individuals for research culminating in non-permit reporting. A copy of the report will be provided to the Commission.

(3) Data such as descriptions or photos when available will be provided to institutions or individuals on a limited basis for research culminating in nonprofit reporting. A copy of the report will be provided to the Commission.

(4) Access will be granted to corporations or individuals preparing articles or books to be published on a profit-making basis only if there will be no interference with conservation activities or regular research projects; photos are made and data collected in the facility housing the collection; arrangements for access are made in writing at least one month in advance; cost of photos and data and a reasonable charge of or supervision by responsible personnel are paid by the corporation or individual desiring access; planned article or publication does not encourage or condone treasure hunting activity on public lands, State Antiquities Landmarks, or National Register sites, or other activities which damage, alter, or destroy cultural resources; proper credit for photos and data are indicated in the report; a copy of the report will be provided to the Commission.

(5) The Commission may maintain a file of standard photographs and captions available for purchase by the public.

(6) A written agreement containing the appropriate stipulations will be prepared and executed prior to the access.

(7) Curatorial facilities certified by the Commission shall promulgate reasonable procedures governing access to those collections under their stewardship.

(d) Deaccession. The Commission's rules for deaccession recognize the special responsibility associated with the receipt and maintenance of objects of cultural, historical, and scientific significance in the public trust. Although curatorial facilities become stewards of held-in-trust collections, title is retained by the Commission for the State. Thus, the decision to deaccession held-in-trust objects or state-associated collections is the responsibility of the Commission. The Commission recognizes the need for periodic reevaluations and thoughtful selection necessary for the growth and proper care of collections. The practice of deaccessioning under well-defined guidelines provides this opportunity.

(1) Deaccessioning may be through voluntary or involuntary means. The transfer, exchange, or deterioration beyond repair or stabilization or other voluntary removal from a collection in a curatorial facility is subject to the limitations of this rule.

(2) Involuntary removal from collections occurs when objects, samples, or records are lost through theft, disappearance, or natural disaster. If the whereabouts of the object, sample, or record is

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unknown, it may be removed from the responsibility of the curatorial facility, but the Commission will not relinquish title in case the object, sample, or record subsequently is returned.

(e) Certified curatorial facilities. Authority to deal with deaccessioning of limited categories of objects and samples from held-in-trust collections is delegated to a curatorial facility certified by the Commission to hold state held-in-trust collections through a contractual agreement between the curatorial facility and the Commission. Annual reports will be submitted to the Commission on these deaccessioning actions.

(1) If the Commission determines that a curatorial facility has acted in violation of the contractual agreement and this rule, the contractual agreement will be terminated. From that date forward, the Commission will review and decide on all deaccession actions of that curatorial facility concerning held-in-trust objects and samples. A new contractual agreement may be executed at such time as the Commission determines that the curatorial facility has come into compliance with this rule.

(2) Curatorial facilities not yet certified by the Commission to hold state held-in-trust collections shall submit written deaccession requests of objects and samples from held-in-trust collections to the Commission.

(3) Requests to deaccession a held-in-trust collection in its entirety must be submitted to the Commission.

(4) The reasons for deaccessioning all or part of held-in-trust collections include, but are not limited to, the following:

(A) Objects lacking provenience that are not significant or useful for research, exhibit, or educational purposes in and of themselves;

(B) Objects or collections that do not relate to the stated mission of the curatorial facility. Objects or collections that are relevant to the stated mission of the curatorial facility may not be deaccessioned on the grounds that they are not relevant to the research interests of current staff or faculty;

(C) Objects that have decayed or decomposed beyond reasonable use or repair or that by their condition constitute a hazard in the collections;

(D) Objects that have been noted as missing from a collection beyond the time of the next collections-wide inventory are determined irretrievable and subject to be deaccessioned as lost;

(E) Objects suspected as stolen from the collections must be reported to the Commission in writing immediately for notification to similar curatorial facilities, appropriate organizations, and law enforcement agencies. Objects suspected as stolen and not recovered after a period of three years or until the time of the next collections-wide inventory are determined irretrievable and subject to being deaccessioned as stolen;

(F) Objects that have been stolen and for which an insurance claim has been paid to the curatorial facility;

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(G) Objects that may be subject to deaccessioning as required by federal laws; and

(H) Deaccession for reasons not listed above must be approved on a case-by-case basis by the Commission.

(f) Title to Objects or Collections Deaccessioned. If deaccessioning is for the purpose of transfer or exchange, Commission retains title for the State to the object or collection. A new held-in-trust agreement must be executed between the receiving curatorial facility and the THC.

(1) If deaccessioning is due to theft or loss, the Commission will retain title for the State to the object or collection in case it is ever recovered, but the curatorial facility will no longer be responsible for the object or collection.

(2) If deaccessioning is due to deterioration or damage beyond repair or stabilization, the Commission relinquishes title for the State to the object or collection and the object or collection must be discarded in a suitable manner.

(g) Destructive Analysis. The Commission's rules for destructive analysis apply only to samples and objects from held-in-trust collections accessioned into the holdings of a curatorial facility. Destructive analysis of samples or objects prior to placement in a curatorial facility is covered by the research design approved for the Antiquities Permit. Authority to deal with destructive analysis requests of approved categories of objects and samples from state-associated held-in-trust collections is delegated to a curatorial facility certified by the Commission to hold state held-in-trust collections through a contractual agreement between the curatorial facility and the Commission. Annual reports will be submitted to the Commission on these destructive analysis actions.

(1) A written research proposal must be submitted to the curatorial facility stating research goals, specific samples or objects from a held-in-trust collection to be destroyed, and research credentials in order for the curatorial facility to establish whether the destructive analysis is warranted.

(A) Any proposal for destructive analysis of human remains must be reviewed by the Commission. At the discretion of the Commission, issuance to a qualified applicant of an Antiquities Code Human Remains Testing permit pursuant to 13 TAC §26.15 may be required.

(2) If the Commission determines that a curatorial facility has acted in violation of the contractual agreement and this rule, the contractual agreement will be terminated. From that date forward, the Commission will review and decide on all destructive analysis actions of that curatorial facility concerning held-in-trust objects and samples. A new contractual agreement may be executed at such time as the Commission determines that the curatorial facility has come into compliance with these rules.

(3) Curatorial facilities not yet certified by the Commission to hold state held-in-trust collections shall submit destructive analysis requests of objects and samples from held-in-trust collections to the Commission.

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(4) Conditions for approval of destructive analysis may include qualifications of the researcher, uniqueness of the project, scientific value of the knowledge sought to be gained, and the importance, size, and condition of the object or sample.

(5) Objects and samples from held-in-trust collections approved for destructive analysis purposes are loaned to the institution where the researcher is affiliated. Objects and samples will not be loaned to individuals for destructive analysis.

(6) If the curatorial facility denies a request for destructive analysis of a sample or object from a held-in-trust collection, appeal of the decision is through the Commission.

(7) Information gained from the analysis must be provided to the curatorial facility as a condition of all loans for destructive analysis purposes. After completion of destructive analysis, the researcher must return the information (usually in the form of a research report) in order for the loan to be closed. Two copies of any publications resulting from the analysis must be sent to the curatorial facility. If the object or sample is not completely destroyed by the destructive analysis, the remainder must be returned to the curatorial facility.

(8) It is the responsibility of the curatorial facility to monitor materials on loan for destructive analysis, to assure their correct use, and to note the returned data in the records.

(9) The Commission does not relinquish title for the State to an object or sample that has undergone destructive analysis and the object or sample is not deaccessioned.

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