

Archeology Committee  
June 16, 2020  
1:30 P.M.

TEXAS HISTORICAL COMMISSION

---

**AGENDA**  
**ARCHEOLOGY COMMITTEE**

Videoconference Meeting

June 16, 2020

1:30 p.m.

(or upon adjournment of the 12:45 Antiquities Advisory Board meeting, whichever occurs later)

---

*Pursuant to the Governor's March 13, 2020 proclamation of a state of disaster declaration due to the Coronavirus (COVID-19) and March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, the June 16, 2020 meeting of the Communications committee will be held by videoconference meeting, as authorized under Texas Government Code section 551.127. Members of the public will have access by using the toll-free link at <https://zoom.us/j/97360608961> or via telephone 1(346)-248-7799, Code: 973 6060 8961 for audio only access. A copy of the agenda and meeting materials will be available at [www.thc.texas.gov/teleconferences](http://www.thc.texas.gov/teleconferences). An audio recording of the meeting will be available after June 17, 2020. To obtain a 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 May 12, 2020 Archeology Committee meeting minutes

**3. Proposed Rule Amendments** – *Jones*

Consider adoption of amendments to:

- A. 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) (Item 6.5C)
- B. 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) (Item 6.5D)

**4. 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. Texas Archeology Month Update
- E. CFCP Program Update
- F. Upcoming activities/events

**5. Adjournment** – *Bruseth*

*NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Laney Fisher at (512) 463-5394 at least four (4) business days prior to the meeting so that appropriate arrangements can be made.*

ITEM # 1

## CALL TO ORDER

Today's date is June 16, 2020 and the time is  
1:30 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 June 16, 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 (877)226-9790; code 9465097#, toll-free. Digital copies of the agenda and meeting materials will be available at [www.thc.texas.gov/teleconferences](http://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

---

**TEXAS HISTORICAL COMMISSION**

---

**ARCHEOLOGY COMMITTEE**

**MEMBERS**

**Members as of 7/01/2018**

**James (Jim) Bruseth, Ph.D.**  
6806 Rio Bravo Lane  
Austin, TX 78737  
512/288-6053  
Email: jim.bruseth@gmail.com

**Gilbert E. "Pete" Peterson, III**  
c/o Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711  
Email: gpeterson@bigbend.net

**Tom Perini**  
Perini Ranch Steakhouse-Owner  
P.O. Box 728  
Buffalo Gap, TX 79508  
325-572-3339/office  
Email: tom@periniranch.com

**Earl Broussard, Jr.**  
Chairman of the Board/Founder  
TBG Partners  
1705 Guadalupe Street, Ste. 500  
512/327-1011/office  
Email: Earl.Broussard@tbgpartners.com

ITEM # 2

# TEXAS HISTORICAL COMMISSION

---

## AGENDA ARCHEOLOGY COMMITTEE MINUTES

Teleconference Meeting

May 12, 2020

9:00 a.m.

---

*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 9:02 a.m. on May 12, 2020. Bruseth announced that the meeting was being held 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](http://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.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 January 28, 2020 Archeology Committee meeting minutes. Bruseth moved, Peterson seconded, and the committee voted unanimously to approve the minutes.

### 3. Discussion and possible action regarding proposed notices related to the Alamo

Bruseth began by announcing that the committee will not be taking public comment on this topic at this time, but that the committee has received a great number of comments and reviewed them. He then thanked the public for their comments. Bruseth then announced that this topic is governed under the Health and Safety Code and reminded the committee that we are under a legal framework.

#### A. Notice of Unverified Cemetery submitted by Texas General Land Office

Archeology Division Director Brad Jones opened the discussion on Item A. Notice of Unverified Cemetery submitted by Texas General Land Office, noting that staff had received a notice for an unverified cemetery located in the Alamo Chapel on March 5, 2020. The staff feels that there is enough evidence verifying a cemetery to deny the application. Peterson, III then asked what was driving the Texas General Land Office effort to have the Chapel classified as an unverified cemetery. Jeff Gordon of the Texas General Land Office answered that it is not a question of what classification they want, the Health and Safety Code

chapter 711 is rather confusing on its definitions. He continued by stating that under their interpretation an unverified cemetery is the most appropriate. Bruseth then added that it comes down to the definition of an unverified cemetery being the presence of one or more unmarked graves that have not been verified by a person described in section 711.0105. Bruseth continued by stating that what the committee heard from Brad Jones was that graves have been verified by a person described in section 711.0105. Bruseth then read the two proposed motions. Bruseth then moved 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 and therefore should not be considered as an unverified cemetery as defined in Health and Safety Code. Instead, the Alamo Church meets the definition of a cemetery as defined in the Texas Health and Safety Code. Peterson, III seconded, the committee voted, and the motion carried.

#### **B. Notice of Unverified Cemetery submitted by Lee Spencer White**

Brad Jones began the discussion by stating that the Alamo Defenders Descendants Association has sent several unverified cemetery notices in the past, and this one is asking that the entire area bound by the 1836 walls be defined as an unverified cemetery based on a combination of historical and archeological research. THC staff agree that the chapel should be considered a cemetery, however at this point staff does not feel that there is sufficient evidence to warrant the designation of an unverified cemetery for the entire area. Therefore, the THC recommends denial of the application. Peterson, III then commented that according to his reading that the current classification of the property as a Historic Texas Cemetery does not affect any use of the property. He then asked, what the effect would there be if the property were unverified cemetery? Dave Gordon from the Attorney General's Office answered by referencing Health and Safety Code Chapter 711 Section 010. He conveyed to the committee that the classification of an unverified cemetery may not construct an improvement on the property in a manner that would disturb the cemetery thus the classification could restrict future construction. Peterson, III then asked if that restriction could mean anything, even moving dirt? Dave Gordon replied, probably. Bruseth then asked the applicant, Lee Spencer White, for comment, and she stated that historic evidence suggests more burials and that the historic evidence has been confirmed correct with the burials discovered in the church. She then asked if the committee would approve this reclassification. Jerry Patterson then commented that he believed all would agree that a large portion of the Alamo footprint would include burials. He then suggested a caveat to the current motion to recognize the potential for additional burials. Bruseth then reiterated that the Health and Safety Code is looking for extant evidence of burials, as noted in the definitions. Alton Martinez, an attorney for the Alamo Defenders Descendants Association, then interjected with additional historical evidence of burials unverified by the Texas Historical Commission. Bruseth thanked him for his comments and moved for a motion 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 at this time outside of the Church structure. Peterson, III seconded and the board voted unanimously. The motion carried.

#### **C. Notice of Unverified Cemetery submitted by Raymond Hernandez**

Brad Jones began the discussion with background information by stating that this notice is for an unverified cemetery within the 1836 Alamo walls, based on historical evidence as well as the identification of the known burials inside the chapel. Staff currently feels that there is a lack of evidence to support this classification for the grounds and the current Historic Texas Cemetery designation continues to be appropriate. Bruseth then asked Raymond Hernandez, the applicant, for his comments. He then quoted case law for consideration. He continued, reading a letter from Curtis Tunnell, that stated his support for the idea of potential burials. Ramon Vasquez, the Executive director of American Indians in Texas at the Spanish Colonial Missions, then commented that what the applicants are asking for is that the standard for cemeteries classifications be consistent. Bruseth then commented as we go forth with the project human

remains will not be unnecessarily disturbed and that the Health and Safety Code and other state statutes will be followed. Bruseth then moved 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 at this time outside of the church structure Peterson, III seconded and the committee voted unanimously. The motion carried.

#### **4. Proposed Rule Amendments**

##### **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)**

Bruseth read the rule amendment and then deferred to Brad Jones for additional information. Brad Jones then stated that this is simple a correction to the text where it incorrectly cited Chapter 26 of the Texas Administrative Code. Bruseth then moved that the committee send forward to the Commission and recommend 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). Tom Perini seconded, and the board voted. The motion carried.

##### **B. Chapter 26, sections 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*, TexReg (1098-1102)**

Bruseth announced that during the May 11 AAB meeting, one of the board members asked for a postponement on this vote to allow for members of the archeological community to have greater time to comment due to COVID-19, thus the AAB moved to postpone action. Bruseth then moved that the committee postpone moving forward to the Commission a recommendation of approval of adoption of amendments to Texas Administrative Code, Title 13, Part 2, Chapter 26, Subchapter C, Archeology, 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). Tom Perini seconded, and the committee voted. The motion carried.

##### **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)**

Bruseth announced that this rule revision is related to the last and that he would like to postpone action of this rule to provide more time for consulting with the archeological community. Bruseth then moved to postpone action of approval or 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). Peterson, III seconded, and the committee voted. The motion carried.

#### **5. Division Director's Report**

##### **A. Personnel Updates**

Brad Jones began with an update on Nick Barret's former position, stating that the division is currently interviewing applicants. Mark Denton has also retired, and Archeology is currently hiring for his review position. The coastal review position, for which Mr. Jones had hoped to have an applicant hired by this meeting, was declined by the candidates, and a new search has begun for that position.

### **B. Regional archeology/marine activities**

Brad Jones went on to highlight that we had a number of activities from January until March, including a public screening project in Memorial Park in Houston which Jeff Durst participated in and Arlo McKee's presentation on drones at THC's Varner Hogg State Historic Site.

### **C. Texas Archeological Stewardship Network Update**

Brad Jones expressed his excitement over the expansion of the Texas Archeological Stewardship Network to 130 members. There is a currently a scheduled Steward workshop in August at THC State Historic Site Washington-on-the-Brazos, but staff are making backup plans if it needs to proceed virtually.

### **D. CFCP Program Update**

Sam Rayburn House Museum's CFCP certification is expiring in July, but all state-associated held-in-trust artifacts have been transferred to THC's certified Center for Artifact Research and no archeological collections will be housed at Sam Rayburn going forward.

### **E. Socorro Mission Site Collection Transfer**

The Archeology Division is currently working to transfer the collections to our control, and AD is partnering with a University of Denver student who is conducting remote-sensing at the site.

Bruseth thanked Brad Jones, the Committee, and the speakers.

### **5. Adjournment**

Bruseth motioned for adjournment, Perini seconded, and Bruseth adjourned the meeting at 10:01 a.m..

The Chair should make the Proposed Motion to Approve May's Archeology Committee Minutes:

Suggested Motion:

**With the concurrence and recommendation of the members of this committee, I move to approve the May 12, 2020 Archeology Committee Meeting minutes.**

ITEM # 3

**TEXAS HISTORICAL COMMISSION**

---

**Item 3.A**  
Texas Historical Commission  
Quarterly Meeting  
June 16-17, 2020

**Consider adoption of amendments to TAC, Title 13, Part 2, Chapter 26, Subchapter C, Rule §§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 that the committee send forward to the Commission and recommend approval of adoption of amendments to Texas Administrative Code, Title 13, Part 2, Chapter 26, Subchapter C, Archeology, 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.

## TEXAS HISTORICAL COMMISSION

---

(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.

## TEXAS HISTORICAL COMMISSION

---

**Item 3.B**  
Texas Historical Commission  
Quarterly Meeting  
June 16-17, 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 (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 that the committee send forward to the Commission and recommend 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

## TEXAS HISTORICAL COMMISSION

---

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

## TEXAS HISTORICAL COMMISSION

---

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;

## TEXAS HISTORICAL COMMISSION

---

(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.

## TEXAS HISTORICAL COMMISSION

---

(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.

ITEM # 4

## Quarterly Report

Archeology Division  
March–June 2020

---

### HIGHLIGHTS FROM THE DIRECTOR

For the quarter covering March–June, in the face of an unexpected and sudden disruption to their normal practices, Archeology Division (AD) staff have been adapting to working remotely during the COVID-19 crisis and adjusted to unorthodox work situations with grace and good humor. This is not only a testament to the quality of the staff, but AD was also well positioned to transition to telework, as most staff had already switched to laptops, and the nature of archeological fieldwork and review often demands remote work in challenging conditions. With eTRAC firmly established as an online portal for reviews, AD reviewers have been able to redirect most paper correspondence to this system in order keep up with the stream of regulatory reviews that continue to come in. While this new reality has accelerated a transition from paper to digital submissions, staff should be applauded for responding quickly to the situation and instituting a process for managing incoming mail that digitizes it immediately and makes it available to reviewers working remotely in all agency divisions.

While all public activities and conferences that AD staff would normally attend were canceled, not all was lost:

- April 17—AD staff attended a virtual meeting of the Council of Texas Archeologists (CTA) held via Zoom with over 90 participants. AD Director Brad Jones presented an agency update, and together with now-retired staff member Mark Denton, was pleased to present former San Antonio City Archeologist Kay Hindes with the Mark Denton Career Achievement Award. CTA membership also approved a new set of archeological survey standards for Texas.

- April 22–26—Society for American Archeology (SAA) Annual Meeting, Austin. Unfortunately, the largest annual professional meeting of archeologists in the U.S. had to be canceled, affecting much of the hard work AD staff had contributed over the past year. As this year's Local Arrangements Chair, Division Director Brad Jones had

worked with a variety of partners to develop four tours to showcase the Austin area's historical and natural richness. The National Association of State Archaeologists annual meeting, typically held at the SAAs, was attended by Jones via Zoom. He, State Marine Archeologist Amy Borgens, and staff archeologist Emily Dylla were all scheduled to present at the conference, but canceled sessions may be rescheduled to next year. Rebecca Shelton, member of the Public Archaeology Interest Group, helped to organize and promote the SAA's Public Archaeology Day. Though canceled, much of the work of the committee and Shelton was made available virtually and included a score of Texas exhibits. THC, along with our partner Texas Archeological Society (TAS), also submitted the 2019 Texas Archeology Month poster to a virtual exhibit sponsored by SAA.

- June 12–19—AD staff typically participate in the TAS's Annual Field School, a great public outreach opportunity. Due to the pandemic, the field school is canceled, but there are plans to return next year to this year's site along the Guadalupe River in Kerrville, according to staff archeologist Tiffany Osburn, who serves as field school coordinator.

### MARINE ARCHEOLOGY PROGRAM (MAP)

The MAP experienced a surge in review and compliance submittals in March and April, with the onset of pandemic restrictions. MAP worked with the Texas General Land Office on procedures for SHPO notification of oil spill emergencies and to resolve a stranded floating dry dock atop submerged historic barges in Galveston County. Reviews with the U.S. Army Corps of Engineers included proposed work on the Corpus Christi Channel, a mitigation plan (with staff archeologist Maggie Moore), and major undertakings associated with Galveston-area coastal restoration and hurricane protection.

Many public outreach and travel opportunities in March and April were suspended due to pandemic restrictions, including presentations at the SAAs and the Nexus Symposium at the University of Texas-Rio Grande Valley

(UT-RGV) and talks for the Houston Archeological Society and an anthropology class at UT-RGV. Virtual presentations continued as scheduled for a cross-training talk for the Texas Department of Transportation and an anthropology class at Texas State University. A talk on regional underwater archeology for a presentation series hosted by the Aransas County History Center is scheduled for late June. The canceled site visit with the National Park Service at Padre Island National Seashore and re-inventory work at the Corpus Christi Museum are to be rescheduled.

Particular attention has been focused this past quarter on improving MAP geodatabases hosted in the Restricted Texas Archeological Sites Atlas. This was accomplished in part due to specific project-based inquiries from the cultural resources management (CRM) community and reallocation of time commitments due to COVID-19 cancelations. More than 170 entries from the shipwreck database were researched, revised, added, removed (shipwrecks not in Texas jurisdiction) or replotted, representing 9 percent of the total records. Trinomials were issued to a locally-well-known collection of 16 early-to-mid 20th century barges at Galveston's Bolivar Peninsula, some of which may be removed as navigation hazards.

State Marine Archeologist Borgens and AD terrestrial archeologists Moore and Dylla serve on the CTA Report Guidelines Committee, an ad hoc sub-committee under the Standards and Guidelines (S&G) Committee. The sub-committee developed a draft of revised report guidelines in March, and Borgens presented a progress report during the April CTA Meeting.

## **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 3,476 proposed development projects from March 1 through May 27. Of those, about 99 archeological surveys were required to determine whether any significant cultural resources would be adversely affected, and about 9,506 acres were surveyed. Fifty-nine historic and prehistoric sites were recorded, and of those, four were determined eligible for listing in the National Register of Historic Places (NRHP) and 43 were determined not eligible for listing in the NRHP, with 12 of undetermined eligibility.

## **CURATORIAL FACILITIES CERTIFICATION PROGRAM (CFCP)**

The THC's CFCP ensures that state-associated archeological collections are properly curated. Currently, AD staff are working with the staff of the THC's Sam Rayburn House Museum (SRHM) on the upcoming expiration of its 10-year certification, which SRHM plans to allow to lapse without recertifying. Over the past year, Historic Sites staff have been working with the SRHM and the CFCP Coordinator on the transfer of all state-associated held-in-trust archeological collections from SRHM to the Center for Artifact Research (CFAR). This was completed and reported in the 2019 Annual Report.

No CFCP recertifications are on the horizon for the next three years. However, the program continues to work with other institutions across the state to become certified. The Anthropology Department at Southern Methodist University has made tremendous strides toward certification over the past few years, rehabilitating its collections and curation spaces, finishing the renovation of its attic and other artifact storage spaces to meet curatorial requirements, installing new security locks (thanks to a grant from the Summerlee Foundation) and revising its collection management policy. It anticipates applying for CFCP certification in 2021.

In light of the COVID-19 pandemic, there are currently no interns or volunteers working on AD collections. Staff are continuing to receive applications for internships and look forward to resuming work on collections with students and volunteers as soon as possible.

## **TEXAS ARCHEOLOGICAL STEWARDSHIP NETWORK (TASN)**

An in-person TASN workshop will depend on our ability to safely host a gathering of more than 70 people at Washington-on-the-Brazos on August 1. Plan B is to hold the workshop online. We will still send out the orientation packets and handouts in advance. An online Zoom orientation for new stewards would be conducted with Jones, Bill Martin, Borgens, and the regional archeologists. For the rest of the membership, we are considering webinars or remote meetings. It will be shorter than our typical day-long format, split into two sessions—the business meeting and then a presentation or lecture format. Attendees will be able to ask questions in the comments section and we can address them in real time.

ITEM # 5