

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
THE CITY OF SAN ANTONIO, TEXAS

REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT OF 1966 (AS AMENDED)

INFRASTRUCTURE MAINTENANCE REPAIRS, IMPROVEMENTS AND
STABILIZATION PROJECTS, IN BRACKENRIDGE PARK

UNDER SECTION 404 OF THE CLEAN WATER ACT

(May 17, 2019)

Project Number: SWF-2018-00493

WHEREAS, the United States Army Corps of Engineers, Fort Worth District (USACE) plans to implement a Programmatic Agreement (PA) to address potential impacts to cultural resources within Brackenridge Park (Park) in San Antonio, Texas that may be affected by future USACE permit decisions for maintenance actions within the Park (Attachment A Map); and

WHEREAS, maintenance of Park infrastructure by the City of San Antonio (COSA) will require a Department of the Army permit from the USACE Fort Worth District for activities which result in the discharge of dredged or fill material into wetlands and/or waters of the United States pursuant to Section 404 of the Clean Water Act (33 USC 1344), and activities occurring in or affecting navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act; and

WHEREAS, USACE issuing a permit pursuant to Section 404 of the Clean Water Act (CWA) requires compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended, 54 USC 300101 and 306108); and

WHEREAS, the Park is a listed Historic District in the National Register of Historic Places (NRHP), as well as a State Archeological Antiquities Landmark (SAL) under the Antiquities Code of Texas (Texas Natural Resources Code, Title 9, Chapter 191); and

WHEREAS, this PA covers infrastructure maintenance repairs, improvements, and stabilization projects within the Park except for the San Antonio Zoo; and

WHEREAS, the USACE has determined that the proposed maintenance of Park infrastructure has the potential to affect properties that are listed in, or are eligible for

listing, in the NRHP, and has consulted with the Texas Historical Commission (THC) as the State Historic Preservation Officer (SHPO), pursuant to the Advisory Council on Historic Preservation (ACHP) regulations, *Protection of Historic Properties* (36 CFR Part 800), implementing Section 106 of the NHPA; 33 CFR Part 325 (Appendix C) *Procedures for the Protection of Historic Properties*; Revised Interim Guidance for Implementing Appendix C of 33 CFR 325 with the ACHP regulations at 36 CFR 800 (2005); and

WHEREAS, the purpose of this Programmatic Agreement (PA) is to streamline compliance with the CWA regulations by developing procedures to satisfactorily take into account the effects of Park maintenance, repairs and stabilization on historic properties, and to increase flexibility in applying the regulations and reduce redundant documentation in a manner that will allow future Park repairs and stabilizations to be undertaken in an expeditious manner; and

WHEREAS, the USACE has consulted with the Comanche Nation of Oklahoma, the Lipan Apache (through the Mescalero Apache Tribe) Tribe of Texas, Tonkawa Tribe of Oklahoma, The Kickapoo Traditional Tribe of Texas, and invited them to participate in development of this document; and

WHEREAS, consulting parties, local historic organizations, and other interested persons have been notified and provided an opportunity to comment on and participate in consultation on this agreement document; and

WHEREAS, the public has been notified and provided an opportunity to comment on the undertaking through a public meeting; and

WHEREAS, the USACE has invited the Advisory Council on Historic Preservation (ACHP) to participate in consultation for this PA and the ACHP has chosen not to participate in development of this PA; and

WHEREAS, the USACE has consulted with SHPO, COSA, and recognized Tribes regarding the effects of the undertaking on historic properties and has invited them to sign this PA as signatories; and

NOW, THEREFORE; the USACE, COSA and the SHPO agree that the PA shall be implemented in accordance with the following stipulations in order to take into account the effect of future Park improvements on historic properties to satisfy the USACE's Section 106 responsibilities.

STIPULATIONS

The USACE will ensure that the following stipulations are carried out by COSA to identify historic properties and address adverse effects to such properties that will result from infrastructure improvements in the Park:

I. FRAMEWORK

- A. All work conducted under the PA will be performed in a manner that is with the Secretary of Interior's "Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716-44740; September 23, 1983) as amended, or the Secretary of the Interior's "Standards for the Treatment of Historic Properties" (36 CFR 68) as appropriate.

II. LITERATURE REVIEW AND TREATMENT PLAN

- A. For each project COSA must prepare a Treatment Plan (TP) briefly summarizing and synthesizing pertinent archeological and architectural studies in the vicinity of the proposed work. A bibliography of previous cultural resources work in the park is attached (Appendix A). The TP shall contain:
 - 1. References to all pertinent investigations in the immediate area of the proposed work (Appendix A and others as required).
 - 2. Complete list of sites identified in the immediate area of the work, including National Register of Historic Places and State Antiquities Landmark status.
 - 3. Separate tabular listings for archeological sites and above-ground resources.
 - 4. Summary of any identified Traditional Cultural Properties (TCPs).
 - 5. Map of areas to be impacted, including locations of previously identified historic properties.
 - 6. Maps of any proposed ancillary facilities (parking areas, storage, etc.) associated with the proposed work.
- B. The USACE shall submit the TP to the signatories. The TP may be revised based on signatory comments received within 30 calendar days after receipt. The USACE shall be responsible for final comments and acceptance before implementation of the final TP. A copy of the final TP shall be made available to all signatories and concurring parties.
- C. The TP will identify research questions of importance to the Park and the region that can be reasonably addressed by resources that are likely to be encountered by maintenance work at the Park, and will set forth procedures for the identification and evaluation of these resources. These will include methods for finding and documenting archeological sites, historic sites, and above-ground

resources, analysis of data, and the curation of artifacts. The permit area in the TP shall take into account all potential direct and indirect effects of the Park improvements, including reasonably foreseeable effects.

- D. If all Section 106 compliance has been completed through previous work, a summary of that work shall be provided to the USACE and SHPO in lieu of a TP. The review summary shall include previous compliance correspondence with the USACE and SHPO. Additional assessments or work and development of a TP may be required if the previous compliance work is determined to be incomplete or inadequate to comply with Section 106 of the NHPA.
- E. If the USACE and SHPO determine that previous compliance work is complete in the area of the proposed Park improvements, no additional review under a TP shall be necessary.
- F. The SAL designation requires review of every TP, or work involving any historic property under this PA, by the THC for a state antiquities permit pursuant to Texas Natural Resources Code, Chapter 191, Section 191.054 and Texas Administrative Code, Title 13, Chapter 26. Review for the need for a state antiquities permit will be concurrent with Stipulation II (B). Issuance of Archeology Permits and Historic Buildings and Structures Permits may occur at different times in the Section 106 review process, as further noted below.

III. IDENTIFICATION OF HISTORIC PROPERTIES

Identification efforts should follow the ACHP's Section 106 Archaeology Guidance, the Secretary of the Interior's (SOI) Standards and Guidelines for Archaeology and Historic Preservation, the SOI's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act. This includes reporting standards defined by the Council of Texas Archeologists (CTA) and the THC. The USACE will send archeological and architectural reports to signatories and will allow 30 calendar days after receipt of any document to submit comments. Documents may then be revised considering the comments received. The USACE shall be responsible for final comments.

A. Survey:

- 1. Previously known historic properties, including resources identified as Contributing to the NRHP District and SAL, may not require any additional work under this stipulation. Assessment of these properties continues under Stipulation IV.
- 2. For Park improvement and repair areas defined in the TP, COSA shall complete a pedestrian survey for potentially historic above-ground resources, historic sites, and prehistoric sites. Archeology Permits for

Intensive Survey must be issued prior to commencement of these activities. This survey shall follow SOI standards for identification: shovel-testing, mechanical trenching as necessary to identify archeological sites; archival research, illustrations, and photographs as necessary to record above-ground resources. The survey shall also include:

- a. Whenever possible, all archeological sites and potentially historic above-ground resources will be assessed individually for NRHP eligibility and as contributing features to the existing NRHP district and SAL. Determinations of eligibility will include NRHP-listed, NRHP-eligible, Contributing, Non-Contributing, Not Eligible, or Unevaluated. Archival research will be necessary to assess potentially historic above-ground resources. Resources that cannot be fully evaluated will be assessed by more detailed work during a test excavation phase.
- b. A draft report shall be prepared following reporting standards developed by the Council of Texas Archeologists and the THC.
- c. The draft report shall be distributed to signatories for a 30 day period of review and comment. The USACE shall ensure that comments are addressed in a final survey report and distributed to all signatories.

B. Test Excavations:

1. If testing is necessary, a Mitigation Plan (MP) shall be developed in consultation with the signatories. It must include at the minimum:
 - a. Criteria for applying eligibility to the NRHP under 36 CFR 60.4.
 - b. Archeology Permits for Testing must be issued prior to commencement of these activities.
 - c. A draft report shall follow reporting standards developed by the Council of Texas Archeologists. This report shall present the research questions pertinent to the region and explain how the tested sites can (or cannot) address these questions, resulting in a recommended determination of eligibility for tested sites as eligible, or not eligible.

- d. The draft report shall be distributed to the signatories for a 30-day period of review and comment. The USACE shall ensure that comments are incorporated into a final report and distributed to all signatories.
- C. National Register - The USACE will determine the NRHP eligibility of all new archeological and historical resources identified within the permit area in consultation with the SHPO. If the USACE and the SHPO concur on eligibility, the USACE will proceed to a determination of effect. If the USACE and the SHPO disagree on NRHP eligibility, the matter will be referred to the Keeper of the National Register in the Department of the Interior, as per 36 CFR 63. The resource will be treated as if it is eligible for inclusion in the NRHP until a decision is rendered by the Keeper. If the Keeper determines that the resource is eligible, the USACE will proceed to a determination of effect. Historic properties determined eligible for the NRHP under this stipulation will also be assessed as contributing members to the NRHP District and SAL.

IV. DETERMINATION OF EFFECT

- A. For all resources determined as contributing to the NRHP District and SAL or individually eligible for inclusion in the NRHP, the USACE will apply the Criteria of Effect (36 CFR 800.5, Assessment of Adverse Effects) to assess whether or not adverse effects will occur to historic properties as a result of the Park maintenance. In consultation with the SHPO, the USACE shall make a determination of effect. Projects previously identified as requiring a Historic Buildings and Structures Permit should submit the permit application for processing concurrent with review under this Section.
- B. Finding of no Adverse Effect (NAE). USACE, in consultation with the SHPO, shall apply the Criteria of Adverse Effect to identified historic properties in accordance with 36 CFR 800.5(a). For projects determined to have NAE, historic properties shall be avoided and/or protected from all potential current and future impacts. If COSA alters its plans such that historic properties may be affected, those properties will require re-assessment of effects.
- C. Finding of Adverse Effect. For all NRHP-eligible historic properties that will be adversely affected, a plan to avoid, minimize, or mitigate any adverse effects will be developed in consultation with all signatories. The draft report shall be distributed to the signatories for a 30-day period of review and comment. The USACE shall ensure that comments are incorporated into an MP and distributed to all signatories.
- D. Development of a separate Memorandum of Agreement (MOA) may be required for unusual or complex projects exceeding the Stipulations of this PA.

V. RESOLUTION OF ADVERSE EFFECT

- A. The MP will be implemented to resolve adverse effects in accordance with 36 CFR 800.6.
 - 1. For archeological sites, the mitigation plan will specify the areas to be documented or excavated, the methods to be used, special samples to be collected, the specialists who will conduct specialized analyses, the problems set forth in the RD that can be addressed by data recovered from the site being excavated, and include reporting methods and curation of artifacts and records. Archeology Permits for Data Recovery must be issued prior to commencement of these activities.
 - 2. For architectural resources, adaptive reuse shall be considered whenever possible, and reuse meeting the Secretary of the Interior's Standards for Rehabilitation will be considered to avoid the adverse effect. For buildings and structures that will be modified or destroyed by the Park improvements, the mitigation plan will specify the level of SOI documentations standards, including HABS-HAER drawings and photographs that will be necessary to document the resources. Historic Buildings and Structures Permits for Rehabilitation or Demolition must be issued prior to commencement of these activities.
- B. All work conducted to treat adverse effects will be described in a draft report that shall follow reporting standards developed by the THC and the CTA.
- C. The draft report shall be distributed to the signatories, for a 30-day period of review and comment.
- D. If the signatories fail to agree on how adverse effects will be resolved, the USACE shall request that the ACHP be provided an opportunity to comment. The USACE shall provide comments from signatories to the ACHP, pursuant to 36 CFR 800.11 (g). Once the ACHP has commented, the USACE shall consider all comments and provide signatories a final resolution on addressing the adverse effects. If the ACHP declines to comment in 30 days under 36 CFR 800.5(c)(3)(i) the USACE shall consider signatory comments then proceed with resolutions to the adverse effect.

VI. CURATION AND DISPOSITION OF RECOVERED MATERIALS, RECORDS AND REPORTS

- A. COSA will ensure that copies of documents, final reports, photographs, drawings, and artifacts will be submitted to a state approved curation facility, the Library of Congress, or other approved federal curation repository identified by the SHPO.

VII. TREATMENT OF HUMAN REMAINS

- A. TREATMENT PLAN. If human remains are encountered, COSA shall develop a treatment plan for the discovery of human remains in consultation with the SHPO and consulting Tribe(s) following Chapter 11 of the Texas Health and Safety Code.
- B. If requested, the USACE shall ensure that recognized Tribe(s), the American Indians of the Spanish Colonial Missions, and other consulting parties are afforded a reasonable opportunity to identify concerns, review evaluation procedures, and determination of the ultimate disposition of human remains and associated funerary artifacts.

VIII. INADVERTENT DISCOVERIES OF HISTORIC PROPERTIES

COSA recognizes the possibility that inadvertent effects may occur to a recorded or previously unidentified historic property. Upon such a discovery, COSA shall use the following procedures:

- A. The signatories will be notified by COSA immediately upon discovery that a protected or previously unidentified cultural resource has been, or could be, inadvertently affected by the work.
- B. If work has not been completed at the time the effect is discovered, all activities in the vicinity (minimum of 10 meters) of the discovery shall cease, and reasonable efforts shall be taken to avoid or minimize harm to the cultural resource.
- C. The Principal Investigator will evaluate the discovery, assess the effects, develop possible treatment recommendations and implement additional protection measures as necessary to prevent further harm to the cultural resource.
- D. Within seven (7) days of this evaluation, COSA will initiate consultation with the USACE, and SHPO to determine if the resource is an eligible historic property and, if so, to develop a Treatment Plan to assess and mitigate any adverse effect under Stipulations II-V.

- E. If work has already been concluded when an effect to a property has been discovered, COSA, USACE, and the SHPO, shall consult to develop a Treatment Plan under Stipulations II-V to mitigate adverse effects. COSA must implement this plan within a mutually agreed upon specified time period.
- F. Within the agreed upon schedule, COSA shall provide the signatories with a report describing the discovery, the circumstances surrounding the effects, and the results of treatment plan implementation.

IX. PROFESSIONAL QUALIFICATIONS

All historic preservation-related investigations specified in this Agreement shall be carried out by Principal Investigators meeting the pertinent professional qualifications of the Secretary of Interior's (SOI) *Professional Qualification Standards* (36 CFR Part 61) and meeting the requirements to receive an Antiquities Permit under the Rules of Practice and Procedure for the Antiquities Code of Texas (Texas Administrative Code, Title 13, Chapter 26, Rule 26.4) in a discipline appropriate for the task and the nature of the historic properties.

X. DISPUTE RESOLUTION

Should any signatory to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the USACE shall consult with such party to resolve the objection. If the USACE determines that such objection cannot be resolved, the USACE will:

- A. **CONSULT ACHP.** Forward all documentation relevant to the dispute, including the signatories' comments and USACE's proposed resolution, to the ACHP. The ACHP shall provide the USACE with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the USACE shall prepare a written response that includes any timely advice or comments regarding the dispute from the signatories and the ACHP. After consideration of all comments, the USACE will then proceed with resolution of the dispute.
- B. **FINAL DECISION.** If the ACHP does not provide its advice regarding the dispute within the 30 calendar day time period, the USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the Agreement, and provide them and the ACHP with a copy of such written response.

- C. Carry out all other actions subject to the terms of this PA that are not the subject of the dispute.

XI. DURATION, AMENDMENT, AND TERMINATION:

- A. DURATION. This Agreement shall be null and void if its terms are not carried out within 10 years from the date of its execution. Prior to such time, the USACE may consult with the other signatories to reconsider the terms of the Agreement and amend in accordance with this stipulation.
- B. AMENDMENT. This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
- C. TERMINATION. If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XI(B), above. If within 30 calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.
- D. EXTENSION OF THIS AGREEMENT DOCUMENT: Signatories may choose to extend the duration (Stipulation XI A) of this document. Signatories shall be given 30 days to comment on the proposed extension. If signatories agree, the document may be extended by an agreed-upon time. If any signatory objects, they shall follow Stipulation X to resolve the dispute.

Once the Agreement is terminated, and prior to work continuing on any historic property in the Park requiring a Regulatory permit, the USACE must either (a) execute an agreement document pursuant to 36 CFR 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. The USACE shall notify the signatories as to the course of action it will pursue.

XII. REPORTING AND MONITORING:

Upon execution of this PA, COSA shall provide an annual summary of the compliance projects to the USACE. The date of the PA execution shall be the reporting date. The annual update on the status of all activities covered by this PA may be provided electronically to the USACE. The USACE shall provide a copy of the summary to signatories.

XIII. EXECUTION:

Signature of this Agreement by the USACE, SHPO, and the COSA and implementation of its terms, evidence that the USACE has taken into account the effects of Park improvements on historic properties and afforded the ACHP an opportunity to comment.

APPENDIX A
BIBLIOGRAPHY
BRACKENRIDGE PARK
PROGRAMMATIC AGREEMENT
17 May 2019

- Abbott, P.L., and C.M. Woodruff, Jr.** (editors) 1986 The Balcones Escarpment Geology, Hydrology, Ecology, and Social Development in Central Texas. Geological Society of America. Comet Reproduction Service, Santa Fe Springs, California.
- Almaraz, F.D.** 1971 Tragic Cavalier - Governor Manuel Salcedo of Texas 1808-1813. University of Texas Press, Austin
- Arneson, E.P.** 1921 Early Irrigation in Texas. The Southwestern Historical Quarterly 25(2):121-130.
- Austin, M.A.** (translator) 1905 Translation of Viceroy Don Juan Acuna's Dispatch to the Governor of Texas Regarding the Settlement of the Canary Islanders at Villa de San Fernando, 1731. Archivo General de Mexico in Seccion de Historia, LXXXIV, Document 4, in Appendix II of The Municipal Government of San Fernando de Bexar, 1730-1800. The Quarterly of the Texas State Historical Association 8(4):277-352.
- Baker, T.L., J.D. Carson, and J. Minor** 1974 Historic American Engineering Record, The Acequias of San Antonio. HAER No. TX-1, Prepared for the National Park Service, Department of the Interior, Washington, D.C
- Baker, T. Lindsay** 1978 A Brief History of the San Antonio Waterworks. Perspective. Society for Architectural Historians, Texas Chapter. March 1978:7-8.
- Black, Stephen L.** 1976 A Historical and Archaeological Assessment of the Proposed San Antonio Botanical Center. Archaeological Survey Report 24, Center for Archaeological Research, The University of Texas at San Antonio.
- Brown, T.E., N.B. Waechter, P.R. Rose, and V.E. Barnes** 1974 San Antonio Sheet: Geologic Atlas of Texas. Bureau of Economic Geology. Electronic document, <http://www.beg.utexas.edu/pubs/pubs-CrossSecAtlas.php>.
- Brune, G.** 1981 Springs of Texas. Branch-Smith, Inc., Fort Worth.
- Carpenter, S., K. Miller and M.R. Chavez** 2008 Cultural Resource Investigations in Brackenridge Park Golf Course, Bexar County, Texas. Draft report on file at Center for Archaeological Research, University of Texas at San Antonio.
- Caran, C.S., and V.R. Baker** 1986 Flooding Along the Balcones Escarpment, Central Texas. In The Balcones Escarpment Geology, Hydrology, Ecology, and Social Development in Central Texas, edited by P.L. Abbott and C.M. Woodruff, pp. 1-14. Geological Society of America. Electronic document, http://www.lib.utexas.edu/geo/balcones_escarpment/pages1-14.html
- Carr, J.T.** 1967 The Climate and Physiography of Texas. Texas Water Development Board Report. Electronic document,

http://www.twdb.state.tx.us/publications/reports/numbered_reports/doc/r53/r53.pdf, accessed October 31, 2014.

Chipman, D.E. 1992 Spanish Texas, 1519-1821. University of Texas Press, Austin. City Engineers Office, City of San Antonio, Texas, Municipal Archives of the City of San Antonio, Texas. 1852 Plat of the City Tract of San Antonio de Bexar as Surveyed and Divided 1852, François Giraud, City Engineer.

1865-1868 Confederate Tannery Sketch Map (unpublished), Gustave Freisleben, City Engineer.

1875 Plat of Lots 1-10, Upper Labor Tracts, January, Gustave Freisleben, City Engineer.

1875 Plat of Lands of the Upper Part of the Labor de Arriba, May, Gustave Freisleben, City Engineer.

1879 Map Showing Property Belonging to the City of San Antonio, Leased to the San Antonio Water Works Company, 1879, Louis Giraud, City Engineer.

1939 Head of the San Antonio River, City Rock Quarries, Academy of the Incarnate Word and St. Anthony College Map, City Engineers Office

Clark, J.W. 1984 Archaeological Test Excavations at an Early Twentieth Century Dump in North San Antonio, Bexar County, Texas. Texas State Department of Highways and Public Transportation, Highway Design Division, Publications in Archaeology Report No. 26, Austin.

Collins M.B. 2004 Archaeology in Central Texas. In *The Prehistory of Texas*, edited by T.K. Perttula, pp. 101-126. Texas A&M University Press, College Station. 1995 Forty Years of Archaeology in Central Texas. *Bulletin of the Texas Archeological Society* 66:361-400.

Corner, W. 1890 San Antonio de Bexar, A Guide and History. Bainbridge and Corner, San Antonio, Texas.

Cox, I.W. 1985 10th Street Substation Excavation of the Acequia Madre (41BX8) San Antonio, Bexar County, Texas. Archaeological Survey Report, No. 153. Center for Archaeological Research, The University of Texas at San Antonio.

1990 Historical and Archival Documentation for Pioneer Park, Bexar County, San Antonio, Texas. Center for Archaeological Research, The University of Texas at San Antonio, Archaeological Survey Report No. 196.

2005 The Spanish Acequias of San Antonio. Maverick Publishing Company, San Antonio.

Cox, I.W., E.D. Johnson, and C.B. Bousman 1999 Excavations for the Upper Labor Dam Site, Brackenridge Park, San Antonio, Bexar County, Texas. Archaeological Survey Report, No. 268. Center for Archaeological Research, The University of Texas at San Antonio.

Cox, I.W., Anne A. Fox and Steve A. Tomka 2002 San Antonio River Improvements Project, San Antonio, Bexar County, Texas: Archaeological Background, Museum Reach. The Center for Archaeological Research, The University of Texas at San Antonio.

de la Teja, J.F. 1995 San Antonio de Bexar. University of New Mexico Press, Albuquerque.

de la Teja, J.F., and J. Wheat 1985 Bexar: Profile of a Tejano Community, 1820-1832. *The Southwestern Historical Quarterly* 89(1):7-34.

- Dolores, Fray M.F.** de los 1762 Documentos Para la Historia Ecclesiastica y Civil de la Provincia de Texas o Nuevas Philipinas, 1720-1779. As translated by C.M. M. McKenzie, 2016. Coleccion Chimalistac de Libros y Documentos Acerca de la Nueva Espana, Vol. 12, Ediciones Jose Porrua Turanzas, Madrid, 1961
- Dunn, B.** 1975 Historical Significance of Incarnate Word Property. Unpublished manuscript, Development Office, University of the Incarnate Word, San Antonio.
- Ellis, L.W., G.L. Ellis, and C.D. Fredrick** 1995 Implications of Environmental Diversity in the Central Texas Archaeological Region. Bulletin of the Texas Archaeological Society 66:401-26.
- Fawcett, William Jr.** 1972 The Prehistory of Bexar County: A Study of Previous Work in South Central Texas. Lower Plains Archaeology Society Buttetin 2:23-43.
- Figueroa, A. and J. Dowling** 2007 Additional Phase II Testing at 41BX323, Brackenridge Park, San Antonio, Bexar County, Texas. The Center for Archaeological Research, The University of Texas at San Antonio
- Fisher, L.F.** 2006 River Walk, The Epic Story of San Antonio's River. Maverick Publishing Company, San Antonio.
- Fox, A.A.** 1975 An Archaeological Assessment of the Southern Portion of the Olmos Basin, Bexar County, Texas. Archaeological Survey Report, No. 9. Center for Archaeological Research, The University of Texas at San Antonio.
- 1979 A Survey of Archaeological, Architectural and Historical Sites on the San Antonio River from Olmos Dam to South Alamo Street and on San Pedro Creek from San Pedro Park to Guadalupe Street. Archaeological Survey Report, No. 80. Center for Archaeological Research, The University of Texas at San Antonio.
- Fox, A.A., and Elizabeth Frkuska** –date--Archaeological Monitoring and Testing at the Catalpa-Pershing Storm Drainage Project in San Antonio, Bexar County, Texas. Archaeological Survey Report, No. 48. Center for Archaeological Research, The University of Texas at San Antonio
- Fox, A.A., and I.W. Cox** 1988 **Fox, A.A., and I.W. Cox** 1988 Archaeological Monitoring of the Ashby Street Drainage Project, San Antonio, Bexar County, Texas. Archaeological Survey Report, No. 176. Center for Archaeological Research, The University of Texas at San Antonio
- Gerstle, A., T.C. Kelly, and C. Assad** 1978 The Fort Sam Houston Project: An Archaeological and Historical Assessment. Archaeological Survey Report, No. 40. Center for Archaeological Research, The University of Texas at San Antonio.
- Habig, M.A.** 1968 The Alamo Chain of Missions: A History of San Antonio's Five Old Missions. Franciscan Herald Press, Chicago.
- Hall, G.** 1998 Prehistoric Human Food Resources Patches on the Texas Coastal Plain. Bulletin of the Texas Archaeological Society 69:1-10.
- 1995 Prehistoric Cemeteries on the Texas Central Coastal Plain: Interpretations and Hypotheses. In Archaeological Investigations at the Loma Sandia Site Live Oak County, Texas, edited by A.J. Taylor and C.L. Highley, pp. 633-647. 2 Vols. Studies in Archaeology 20. Texas Archaeological Research Laboratory, The University of Texas at Austin. Bulletin of the Texas Archaeological Society 69:1-10.

Hatcher, M.A. 1908 Translation of "Joaquin de Arredondo's Report of the Battle of Medina, August 18, 1813". The Quarterly of the Texas State Historical Association 11(3):220-236.

Hester, Thomas R. 1986 Early Human Populations Along the Balcones Escarpment. In The Balcones Escarpment Geology, Hydrology, Ecology, and Social Development in Central Texas, edited by P.L. Abbott and C.M. Woodruff, pp. 55-62. Geological Society of America. Electronic document,

http://www.lib.utexas.edu/geo/balcones_escarpment/pages55-62.html.

Hester, T. R. and T. C. Hill, Jr. 1975 Some Aspects of Late Prehistoric and Protohistoric Archaeology in Southern Texas, Special Report 1, Center for Archaeological Research, The University of Texas at San Antonio.

Hester, T.R., S.L. Black, D.G. Steele, B.W. Olive, A.A. Fox, K.J. Reinhard, and L.C. Bement 1989 Historic Native American Populations. In From the Gulf to the Rio Grande: Human Adaptation in Central, South, and Lower Pecos Texas, edited by T.R. Hester, S.L. Black, D.G. Steele, B.W. Olive, A.A. Fox, K.J. Reinhard, and L.C. Bement, pp. 77-84. Research Series No. 33. Arkansas Archaeological Survey, Fayetteville.

Hoffman, F.L. (translator) 1935 Diary of the Alarcón Expedition into Texas, 1718-1719, by Fray Francisco Celiz. The Quivira Society, Los Angeles.

Houk, Brett 1999 Archaeological Survey and Testing in San Pedro Park (41BX19), San Antonio, Texas. Archaeological Survey Report No. 289, Center for Archaeological Research, The University of Texas at San Antonio.

Houk, Brett 2002 An Archaeological Survey of a Proposed 16-Inch Water Main in Brackenridge Park, San Antonio, Bexar County, Texas. SWCA Cultural Resources Report No. 02-300, SWCA, Inc., Environmental Consultants, Austin.

Houk, B. 2002 The Brackenridge Park Rehabilitation Project Data Recovery at 41BX323 and Testing at 41BX1425, San Antonio, Bexar County, Texas. SWCA Cultural Resource Report No. 01-357. SWCA, Inc. Environmental Consultants, Austin.

Houk, B., and K.A. Miller 2001 The Brackenridge Park Rehabilitation Project Archaeological Survey, San Antonio, Bexar County, Texas. SWCA Cultural Resource Report No. 00-331. SWCA, Inc. Environmental Consultants, Austin.

Houk, B.A., K.A. Miller, R.K. Meadows, and C.W. Ringstaff 1999 Archaeological Excavations at 41BX323, Brackenridge Park, San Antonio, Bexar County, Texas. SWCA Cultural Resource Report No. 99-67. SWCA, Inc. Environmental Consultants, Austin.

Katz, S.R., and A.A. Fox 1979 Archaeological and Historical Assessment of Brackenridge Park, City of San Antonio, Texas. Archaeological Survey Report, No. 33. Center for Archaeological Research, The University of Texas at San Antonio.

Kemp, L. 2008 Archaeological Survey Associated with the Proposed Stadium Field House and Bleachers at the University of the Incarnate Word, San Antonio, Bexar County, Texas. Technical Report, No. 12. Center for Archaeological Research, The University of Texas at San Antonio.

Kenmotsu, N.A., and D.K. Boyd 2012 The Toyah Phase in Texas: An Introduction and Retrospective. In The Toyah Phase of Central Texas: Late Prehistoric Economic and Social Processes, edited by N.A. Kenmotsu and D.K. Boyd, pp. 1-18. Texas A&M University Press, College Station.

Leal, J.O. 1986 Translation of "The Division of the Lands of the Canary Islanders in San Antonio" in the Bexar County Archives. Manuscript on file, Bexar County Courthouse, San Antonio, Texas.

Luke, Clive 1974 Archaeological Investigation Along the Route of U.S. 281, from Mulberry Avenue to Tuxedo Avenue in San Antonio. Manuscript, Texas Highway Department, Austin.

Lukowski, P. D. 1988 Archaeological Investigations at 41 BX 1, Bexar County, Texas, Archaeological Survey Report 135, Center for Archaeological Research, The University of Texas at San Antonio.

Mauldin R., S. Smith, S. Wigley, A. Figueroa, and C. McKenzie 2015 Archaeological Investigations within San Pedro Springs Park (41BX19), San Antonio, Bexar County, Texas. Archaeological Report, No. 443. Center for Archaeological Research, The University of Texas at San Antonio.

Meskill, F.H. and C.D. Frederick 1998 Archaeological Testing at the Witte Museum Science Facility Construction Site: An Archaeological and Geoarchaeological Study on the East Bank of the San Antonio River. Technical Series 48, Texas Archaeological Research Laboratory, The University of Texas at Austin.

Meskill, F.H., L.C. Shaw and S.L. Black 2000 Excavations at 41BX323, The Witte Museum Parcel: Archaic Period Occupations on the Banks of the San Antonio River, Bexar County, Texas. Technical Series 50, Texas Archaeological Research Laboratory, The University of Texas at Austin.

Miller, K.A., S. Carpenter, L.C. Nordt, C. Howell, and C. Ringstaff 1999 Archaeological Testing of 41BX323 and Portions of the Historic Second Waterworks Canal, Brackenridge Park, San Antonio, Bexar County, Texas. SWCA, Cultural Resources Report No. 98-62, SWCA, Inc., Environmental Consultants, Austin.

Miller, K.A. and K.S. Barile 2001 Archaeological Investigations at the Brackenridge Driving Range, City of San Antonio, Bexar County, Texas. SWCA Draft report on file at the Center for Archaeological Research, The University of Texas at San Antonio.

McKenzie, C.M.M. 2015 Investigations on the Site of Wohlfarth's Mercantile and the Search for the Arocha Acequia, San Antonio, Bexar County, Texas. Technical Report, No. 63. Center for Archaeological Research, The University of Texas at San Antonio.

McKenzie, C.M.M. (with contributions by C. Stephen Smith) 2017 Archaeological Investigations of the Alamo Dam and Upper Labor Dam, Brackenridge Park, San Antonio, Bexar County, Texas, Archaeological Report No. 444, Center for Archaeological Research, The University of Texas at San Antonio.

Neck, R.W. 1986 The Balcones Escarpment: the Balcones Fault Zone as a Major Zoographic Feature. The Walter Geology Library. The University of Texas at Austin. Electronic document, http://www.lib.utexas.edu/geo/balcones_escarpment.

Nickels, D.L., D.W. Pease, and C.B. Bousman 1997 Archaeological Survey of Lackland Air Force Base, Bexar County, Texas. Archaeological Report No. 416. Center for Archaeological Research, The University of Texas at San Antonio.

Nordt, L.C. 1999 Geoarchaeology of Site 41BX323. In Archaeological Excavations at 41BX323, Brackenridge Park, San Antonio, Bexar County, Texas, by B.A. Houk, K.A. Miller, R.K. Meadows, C.W. Ringstaff, pp. 47-64. SWCA Cultural Resource Report No. 99-67, SWCA, Inc. Environmental Consultants, Austin.

- Olmstead, F.L.** 1860 A Journey through Texas; or, A Saddle-trip on the Southwestern Frontier; with a Statistical Appendix. Mason Brothers, New York.
- O'Neill, Perez,** 1972, Larcade, Architects, San Antonio Historic Survey. Vol. 2. City of San Antonio, City Planning Department.
- Orchard, C. D. and T. N. Campbell** 1954 Evidences of Early Man from the Vicinity of San Antonio, Texas. The Texas Journal of Science 6(4):454-465.
- Peter, D., D. Kuehn, S. Allday, A. Tine, S. Hunt, and M. Freeman** 2006 Archaeological Assessment of the Potential Impact of the San Antonio River Improvement Project, Mission Reach, on Historic Properties. Miscellaneous Report of Investigations, No. 355. Geo-Marine, Inc., Plano, Texas.
- Pfieffer, M.W.** 2011 Brackenridge Park: A History. Brackenridge Park Conservancy. Electronic document, <http://www.brackenridgepark.org/>.
- Pfieffer, M.W., S. Tomka, and R. Liebowitz** 2011 Brackenridge Park National Register Nomination. Brackenridge Park Conservancy. Electronic document, <http://www.brackenridgepark.org/about/resources>.
- Prewitt, E.R.** 1981 Cultural Chronology in Central Texas. Bulletin of the Texas Archaeological Society 52:65-89.
- Renner, M, (editor), A.A. Fox, I.W. Cox, and H.G. Uecker** 1997 Historical and Archaeological Research of the Hampton Inn Property in Downtown San Antonio. Archaeological Survey Report, No. 246. Center for Archaeological Research, The University of Texas at San Antonio.
- San Antonio Express News (SAEN)** 1914 Texas. Ideal Site Selected for City's Zoological Garden and Museum. 19 May:7. San Antonio, Texas.
- 1935 NEAT – feature article on improvements to Brackenridge and San Pedro Park. 4 August:11. San Antonio, Texas.
- San Antonio Herald** 1858 Advertisement for E. P. Alsbury "Corn and Flour Mill at the head of San Antonio River". 26 November:4. San Antonio, Texas.
- San Antonio River Authority (SARA)** 1988 Ecological Assessment the Upper San Antonio River Hildebrand Avenue to Lone Star Blvd. San Antonio River Authority Environmental Services Division, San Antonio.
- Schuetz, M.K.** 1966 Historic Background of the Mission San Antonio de Valero. State Building Commission Archaeological Program, Report No. 1. Austin, Texas.
- Shafer, H.J., and T.R. Hester** 2010 Archaeological Monitoring of the Upper Labor Acequia Clean-up Project, Brackenridge Park, San Antonio, Bexar County, Texas. Report No. 92. Abasolo Archaeological Consultants, San Antonio.
- 2012 Archaeological Monitoring at Allison Park Upper Labor Acequia Repair, San Antonio, Bexar County, Texas. Report No. 113. Abasolo Archaeological Consultants, San Antonio.
- Sibley, M.M.** 1973 George W. Brackenridge: Maverick Philanthropist. University of Texas Press, Austin.
- Smith, C.S.** 2013a First Interim Report on Archaeological Investigations within Brackenridge Park, San Antonio, Bexar County, Texas. San Antonio River Improvement Project—Museum Reach. On file, Center for Archaeological Research, The University of Texas at San Antonio.
- 2013b Second Interim Report on Archaeological Investigations within Brackenridge Park, San Antonio, Bexar County, Texas. San Antonio River

- Improvement Project—Museum Reach. On file, Center for Archaeological Research, The University of Texas at San Antonio.
- Stothert, K.** 1989 The Archaeology and Early History of the Head of the San Antonio River. Special Publication No. 5. Southern Texas Archaeological Association, San Antonio. Archaeology Series No. 3. Incarnate Word College, San Antonio.
- Suhm, D.A.** 1957 A Review of Central Texas Archaeology. *Bulletin of the Texas Archaeological Society* 29:63-107.
- Taylor, F.B., R.B. Hailey, and D.L.** Richmond 1991 Soil Survey of Bexar County, Texas. United States Department of Agriculture, Soil Conservation Service. Washington D.C.
- Tomka, S. A., T. K. Perttula, and R J. Hard** 1997 Archaeology of the Rio Grande and Central Coastal Plains, Texas: A Planning Document. Archaeological Survey Report, No. 266. Center for Archaeological Research, The University of Texas at San Antonio.
- Tomka, S.A., and C.S. Smith** 2014 Third Interim Report on Archaeological Investigations within Brackenridge Park, San Antonio, Bexar County, Texas. San Antonio River Improvement Project—Museum Reach. On file, Center for Archaeological Research, The University of Texas at San Antonio.
- Tous, G.** (translator) 1930a The Espinosa-Olivares-Aguire Expedition of 1709. *Preliminary Studies of the Texas Catholic Historical Society* 1(3):3-14.
- 1930b Ramon's Expedition: Espinosa's diary of 1716. *Preliminary Studies of the Texas Catholic Historical Society* 1(4):4-24.
- Turner, S.E, T.R. Hester, and R. McReynolds** 2011 *Stone Artifacts of Texas Indians*. 3rd ed. Taylor Trade Publishing, Lanham, Maryland.
- Uecker, H.G. and D.H. Molineu** 2004 Archaeological Investigations of the Former Brackenridge Polo Field for Golf San Antonio's First Tee Development Project, San Antonio, Bexar County, Texas. Report of Investigations No. 1, South Texas Archaeological Research Services, San Antonio.
- Ulrich, K.M., B.A Meissner, and M.W. Pfeiffer** 2009 Archaeological Monitoring of the Urban Reach Section of the San Antonio River Improvement Project, San Antonio, Texas. Texas Antiquities Permit No. 5377. The Center for Archaeological Research, The University of Texas at San Antonio. Archaeological Survey Report No. 407.
- Ulrich, K.M.** 2011a Archaeological Investigations at the Lily Pond in Brackenridge Park, San Antonio, Bexar County, Texas. Technical Report, No. 35. Center for Archaeological Research, The University of Texas at San Antonio.
- 2011b Intensive Survey and Testing Associated with the Rediscovery of the Acequia Madre and Alamo Dam, San Antonio, Bexar County, Texas. Archaeological Survey Report, No. 417. Center for Archaeological Research, The University of Texas at San Antonio.
- Ulrich, K.M., and A. Figueroa** 2008 Archaeological Services Associated with Improvements to Miraflores at Brackenridge Park, San Antonio, Bexar County, Texas. Archaeological Report, No. 387. Center for Archaeological Research, The University of Texas at San Antonio.
- Ulrich K.M., J.L. Thompson, S. Ahr, and J. Blomquist** 2012 Intensive Pedestrian Survey and Construction Monitoring along a Portion of Trail 11 in Brackenridge Park, San Antonio, Bexar County, Texas. Archaeological Report No. 416. Center for Archaeological Research, The University of Texas at San Antonio.

Wigley, S., C.M. Munoz, and C.S. Smith 2014 A Linear Pedestrian Archaeological Survey in Olmos Basin Park, San Antonio, Bexar County, Texas. Archaeological Survey Report, No. 439. Center for Archaeological Research, The University of Texas at San Antonio.

Wright, J.S. 1916 San Antonio de Béxar: Historical, Traditional, Legendary. An Epitome of Early Texas History. Morgan Printing Company, San Antonio, Texas.

Zapata, J. 2017 Archaeological Testing and Monitoring for the Mother of the Americas Formation Center, San Antonio, Bexar County, Texas. Center for Archaeological Research, The University of Texas at San Antonio, in press.

APPENDIX B
DEFINITIONS
BRACKENRIDGE PARK
PROGRAMMATIC AGREEMENT
17 May 2019

36 CFR 800 - (Protection of Historic Properties) governs the Section 106 process and outlines how Federal agencies are to consult with SHPOs, THPS, Tribes, NHOs, and other interested parties, identify historic properties, determine whether and how such properties may be affected, and resolve adverse effects.

Advisory Council on Historic Preservation (ACHP) - An independent Federal agency that promotes preservation, enhancement, and productive use of the nation's historic resources.

Agreement Document - If an undertaking will or may adversely affect historic properties (any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places), the Section 106 regulations (at 36 CFR § 800.6(b)(1)(i-iv)) call for the federal agency to consult with the State and/or Tribal Historic Preservation Officer (SHPO, THPO), NHOs, and other parties to negotiate and execute a Section 106 agreement document that sets out the measures the federal agency will implement to resolve those adverse effects through avoidance, minimization, or mitigation.

Concurring Party to Agreement Document - a concurring party is a consulting party invited to concur in the agreement document but who does not have the authority to amend or terminate the agreement. Unlike an invited signatory's signature, a concurring party signature is not required to execute the agreement; a concurring signature is essentially an endorsement of the agreement. Thus, the refusal to sign by any party asked to concur in the agreement does not prevent the agreement from being executed. Whether any or all other consulting parties are invited to concur in an agreement is at the federal agency's sole discretion. 36 CFR § 800.6(c)(3)

Consulting Party to Agreement Document – Consulting parties are defined in 36CFR800.2 as the people and organizations that have a role in the Section 106 review process. These parties include: the Federal agency, the SHPO, Recognized Indian tribes, representatives of local governments, applicants for federal assistance, and members of the public with a demonstrated interest on the effect of an undertaking on historic properties.

Federally Recognized Indian Tribe - A **federally recognized tribe** is an American Indian or Alaska Native tribal entity that is **recognized** as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations and obligations attached to that designation.

Historic Property - Historic properties are any prehistoric or historic districts, sites, buildings, structures, or objects that are eligible for or already listed in the National Register of Historic Places. Also included are any artifacts, records, and remains (surface or subsurface) that are related to and located within historic properties and any properties of traditional religious and cultural importance to Tribes or NHOs.

Invited Signatory to Agreement Document - an invited signatory, upon signing, has the authority to amend and terminate the agreement. The agency official may invite additional parties to sign the agreement, such as an Indian tribe or NHO who attaches religious and cultural significance to historic properties affected by the undertaking (off tribal lands), or any party that assumes a responsibility under the agreement. Applicants are frequently asked to be invited signatories due to the responsibilities assigned to them under the agreement. 36 CFR § 800.2(a)

National Register of Historic Places - The National Register of Historic Places is the United States federal government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation for their historical significance. The NRHP is linked to Sections 106 and 110 of the National Historic Preservation Act.

National Historic Preservation Act of 1966 - The National Historic Preservation Act is legislation intended to preserve historical and archaeological sites in the United States of America. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices.

Programmatic Agreement – Programmatic Agreements are a Section 106 compliance document appropriate for multiple or complex federal undertakings where the effects to historic properties cannot be fully determined in advance or to tailor the standard Section 106 process to better fit in with agency management or decision making.

Section 106 of the National Historic Preservation Act - Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment. In addition, Federal agencies are required to consult on the Section 106 process with State Historic Preservation Offices (SHPO), Tribal Historic Preservation Offices (THPO), Indian Tribes (to include Alaska Natives) [Tribes], and Native Hawaiian Organizations (NHO).

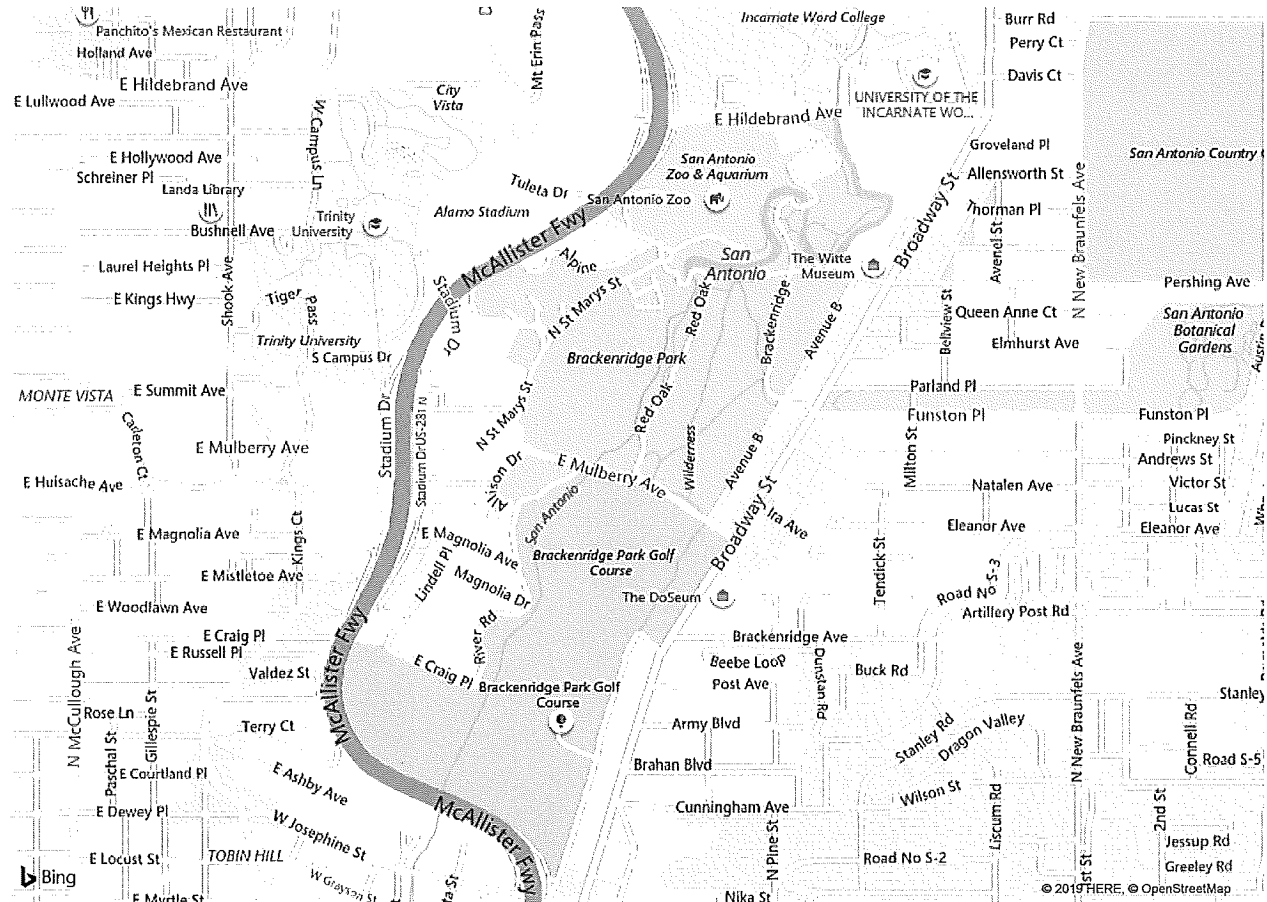
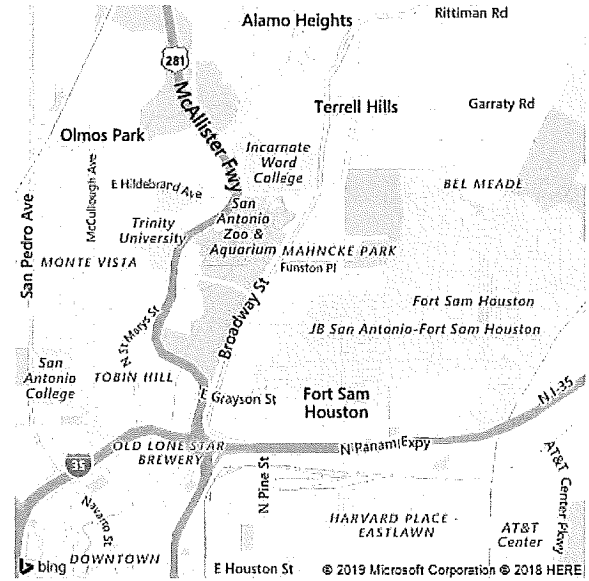
Signatory to Agreement Document - In accordance with 36 CFR § 800.6(c)(1), a signatory has the sole authority to execute, amend, or terminate the agreement. The federal agency and the SHPO/THPO are signatories; the ACHP is a signatory as well when it has participated in consultation for the agreement document. Once all

of the signatories have signed the agreement, it is executed and goes into effect. 36 CFR § 800.6(c)(1)

State Historic Preservation Officer - The official appointed or designated pursuant to section 101(b)(1) of the NHPA who is responsible for administering the NHPA and State historic preservation program within the State or jurisdiction.

Notes

Brackenridge Park, San Antonio, Bexar County, Texas, National Register of Historic Places District (2011).
Programmatic Agreement covers the Park and golf course with the exception of the zoo, aquarium, and the area west of North St. Mary's Street.



PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
THE CITY OF SAN ANTONIO, TEXAS

REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT OF 1966 (AS AMENDED)

INFRASTRUCTURE MAINTENANCE REPAIRS, IMPROVEMENTS AND
STABILIZATION PROJECTS, IN BRACKENRIDGE PARK

UNDER SECTION 404 OF THE CLEAN WATER ACT

(May 17, 2019)
Project Number: SWF-2018-00493

SIGNATORIES:

United States Army, Corps of Engineers, Fort Worth District

Stephen L Brooks, Chief, Regulatory Division

Date _____

Texas State Historic Preservation Officer

Mark Wolfe, State Historic Preservation Officer

Date _____

City of San Antonio, Texas

Razi Hosseini, P.E.
Interim Director/City Engineer
Transportation and Capital Improvements Department

Date _____

Xavier Urrutia
Director
Parks and Recreation Department

Date _____

CONCURRING PARTIES

American Indians in Texas at the Spanish Colonial Missions

Ramon Vasquez
Executive Director

Date _____

Brackenridge Park Conservancy

Lynn Bobbitt
Executive Director

Date _____

San Antonio Conservation Society

Vincent Michael
Executive Director

Date _____

Witte Museum

Marise McDermott
President
Chief Executive Officer

Date _____