

Dallas to Houston High-Speed Rail
Final Environmental Impact Statement

Appendix L:
Programmatic Agreement
Set 2 of 2



Federal Railroad
Administration

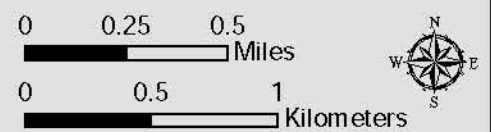


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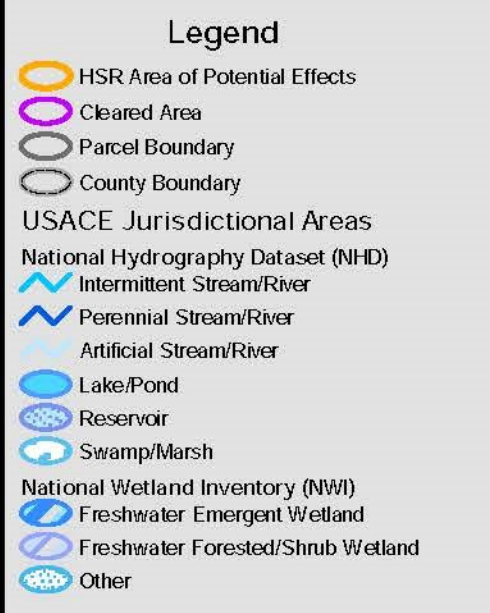
- HSR Area of Potential Effects
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- Parcel Boundary
- County Boundary
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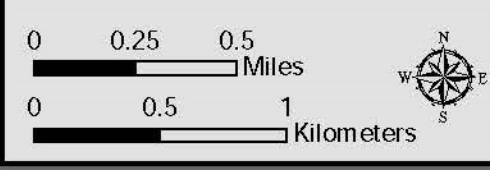


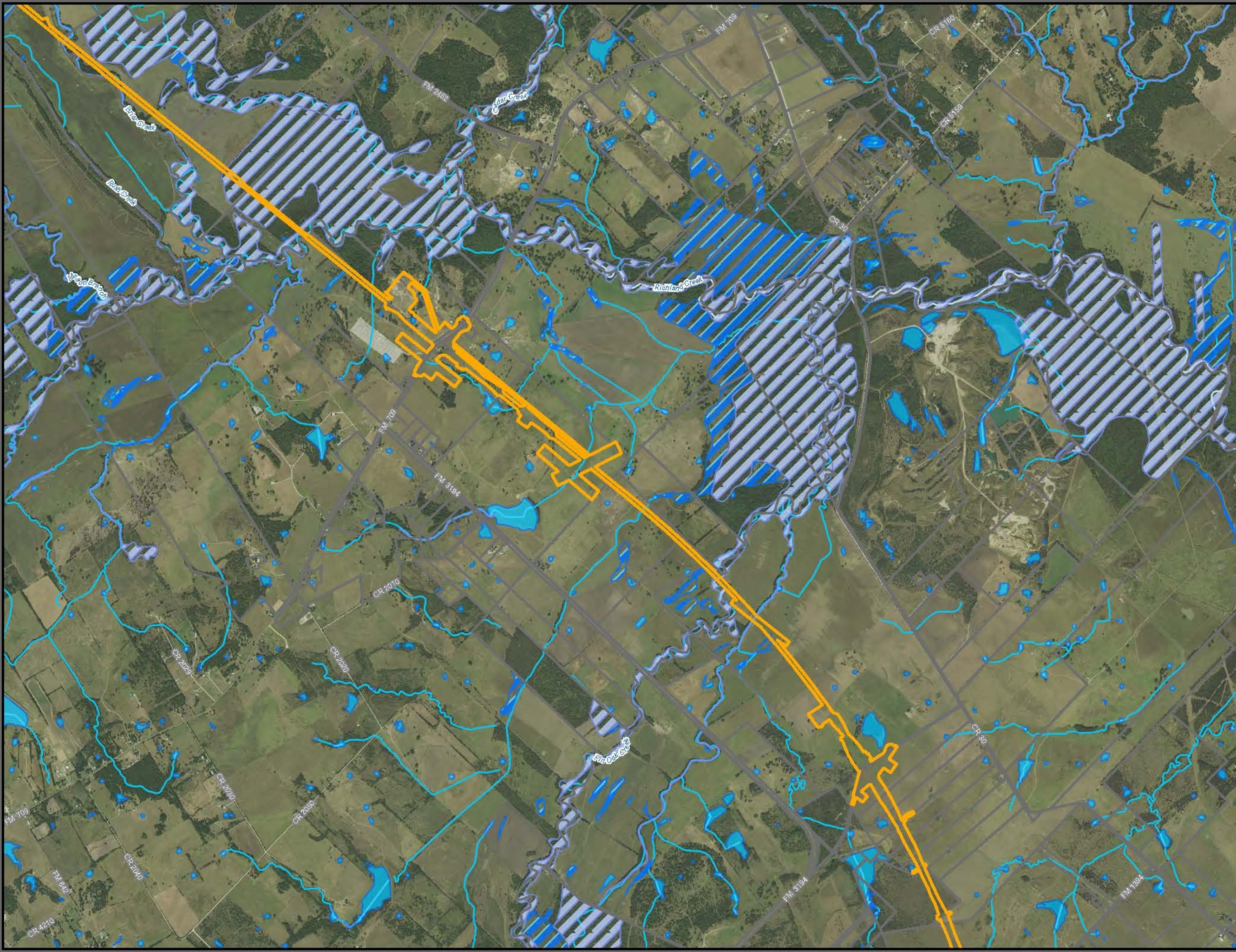


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USACE Jurisdictional Areas

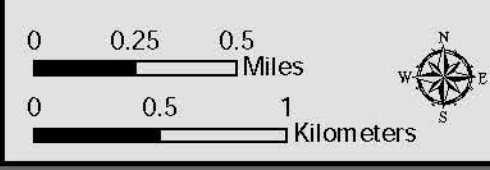
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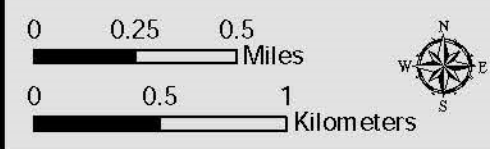


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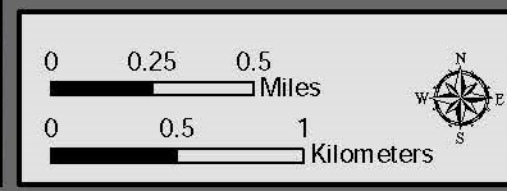
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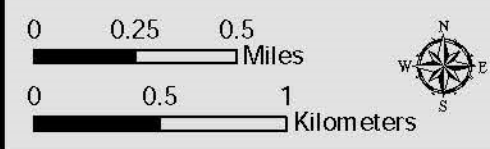


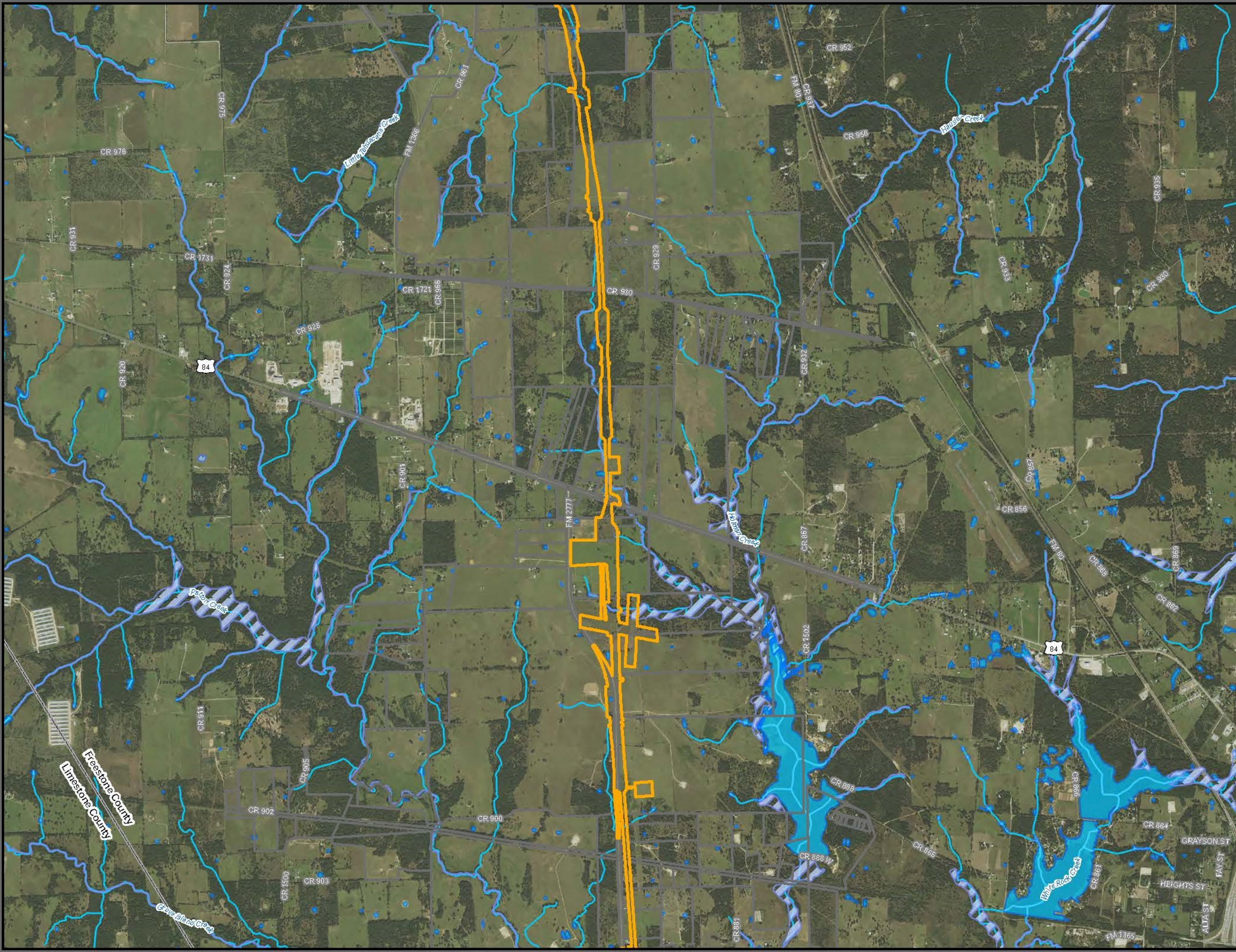
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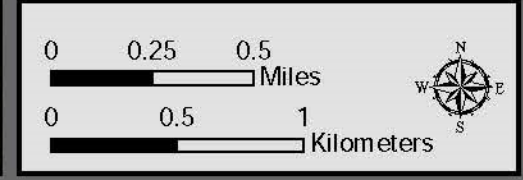


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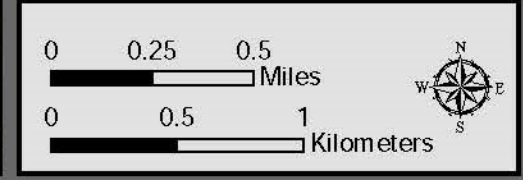
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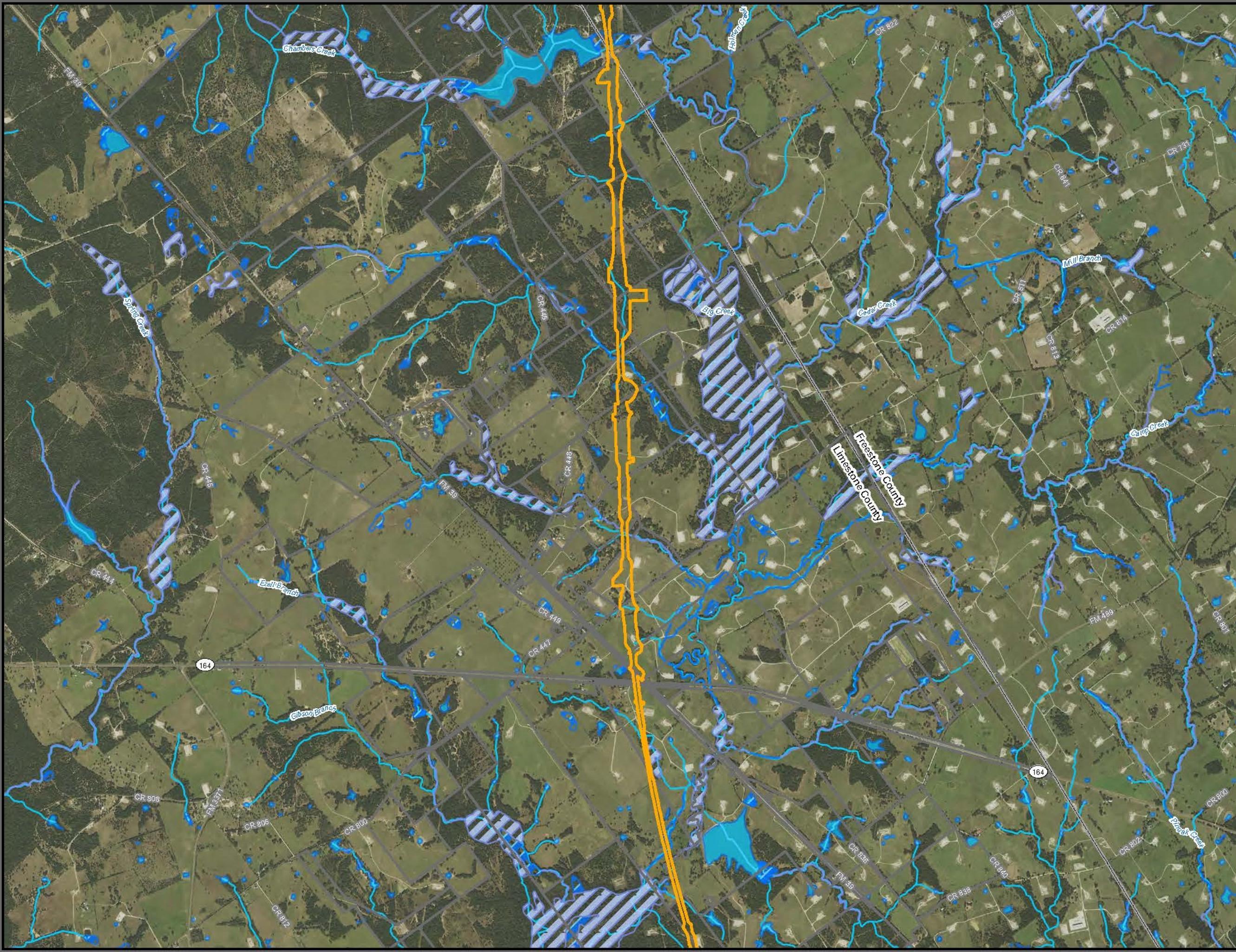
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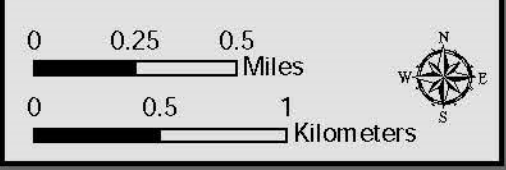


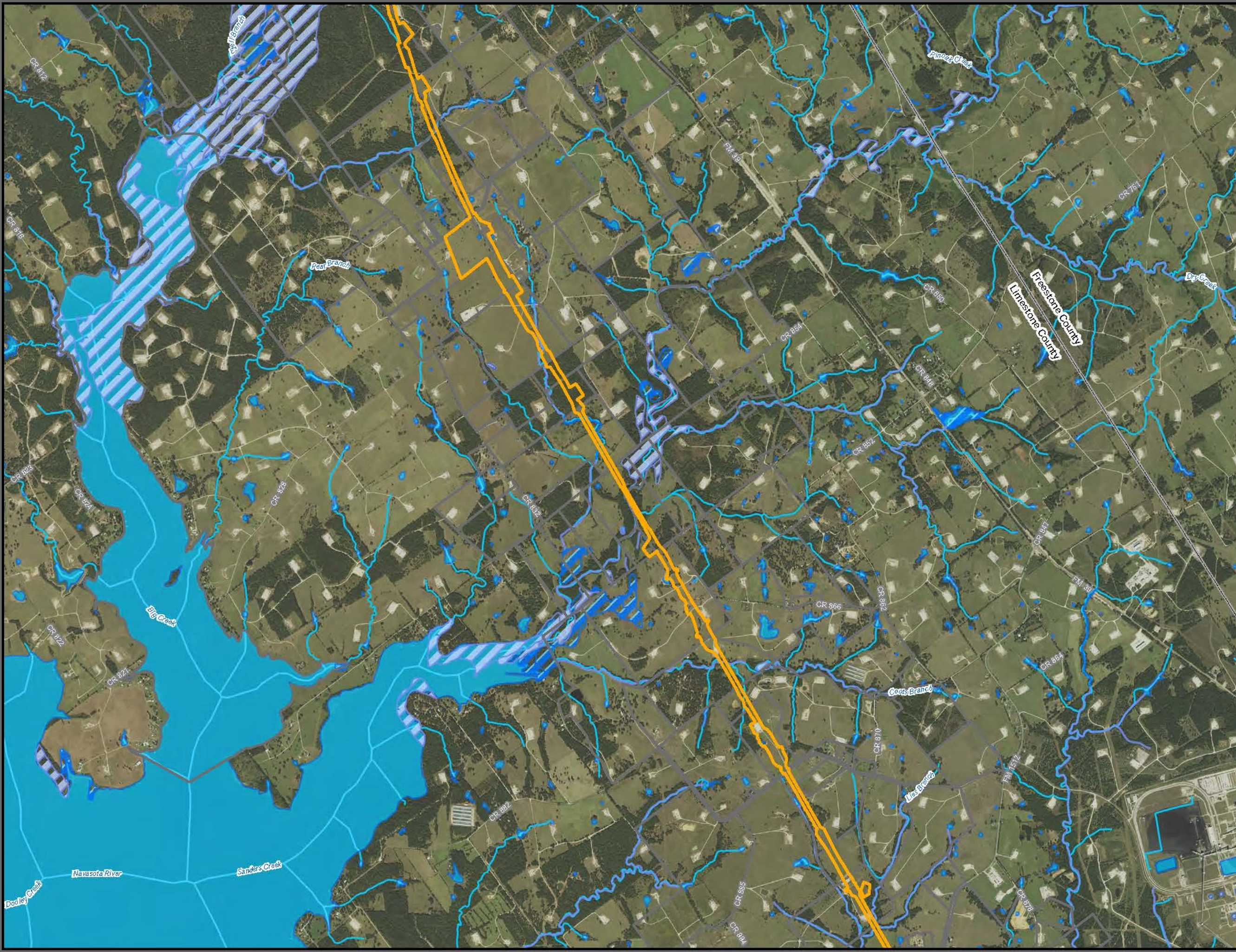


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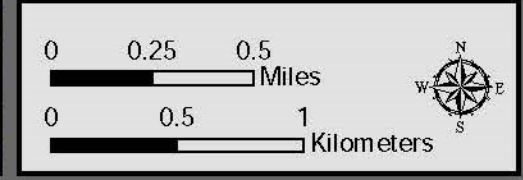
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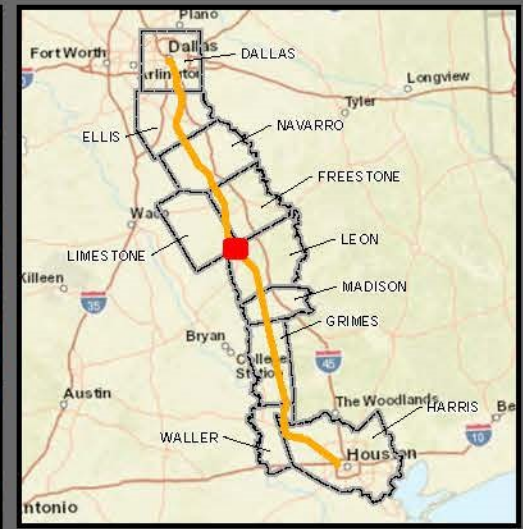
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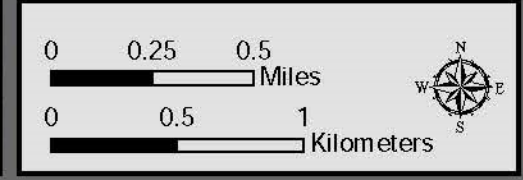
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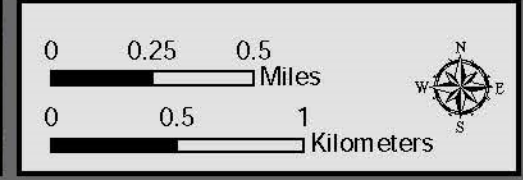
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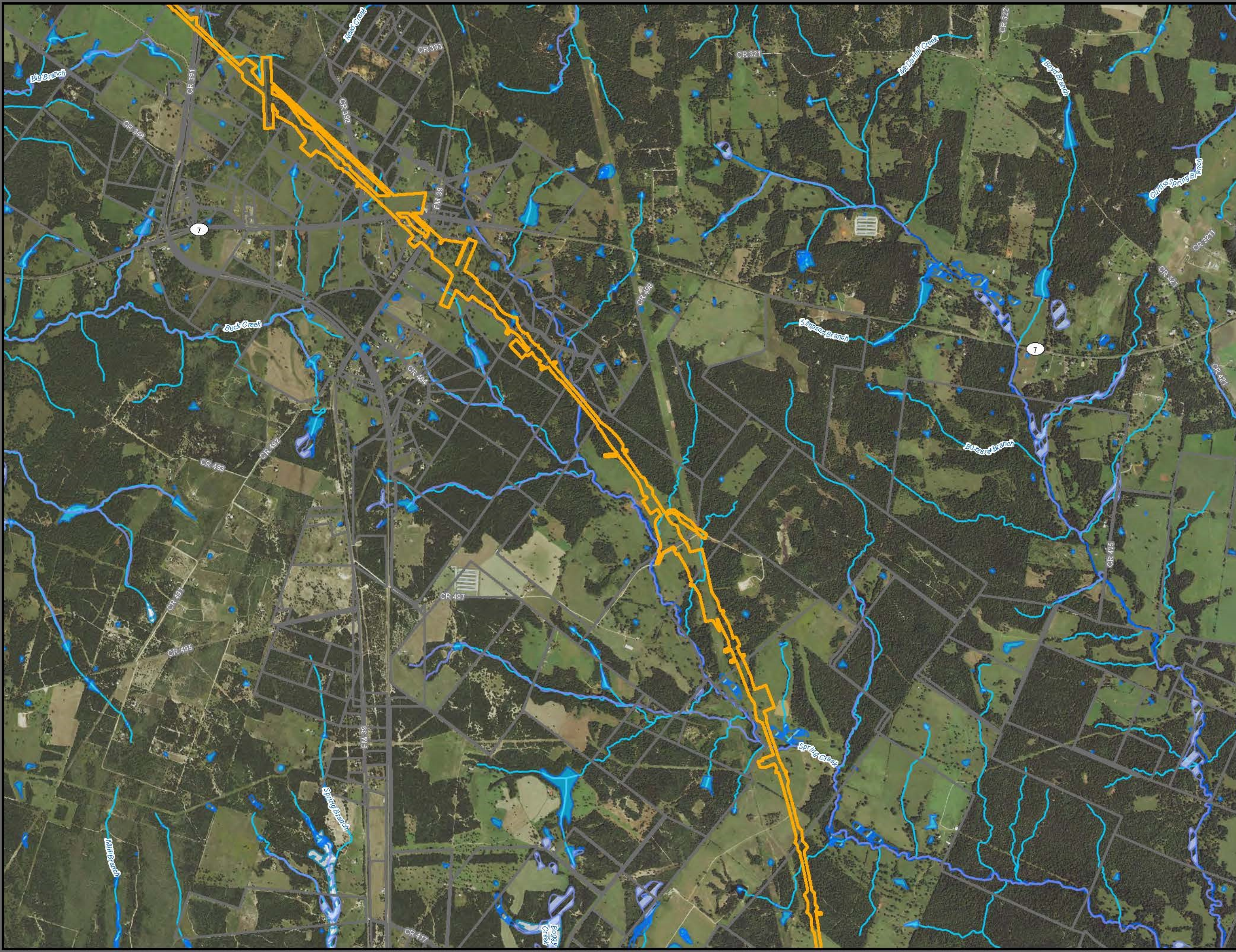
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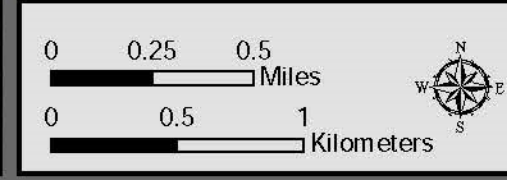
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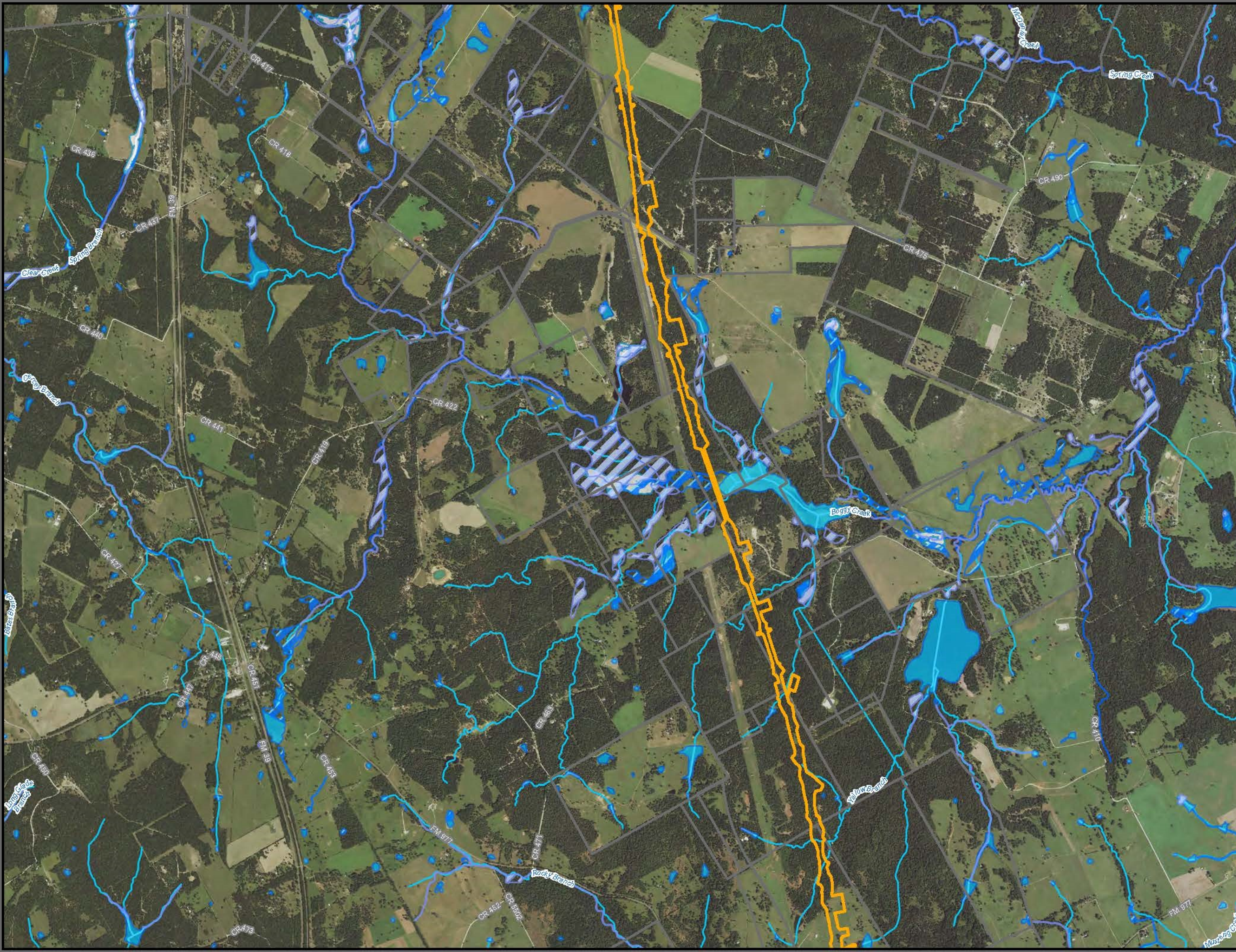
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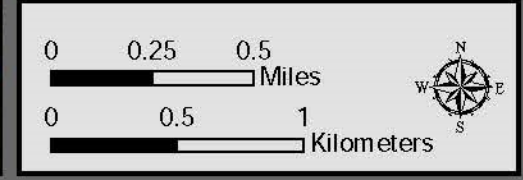
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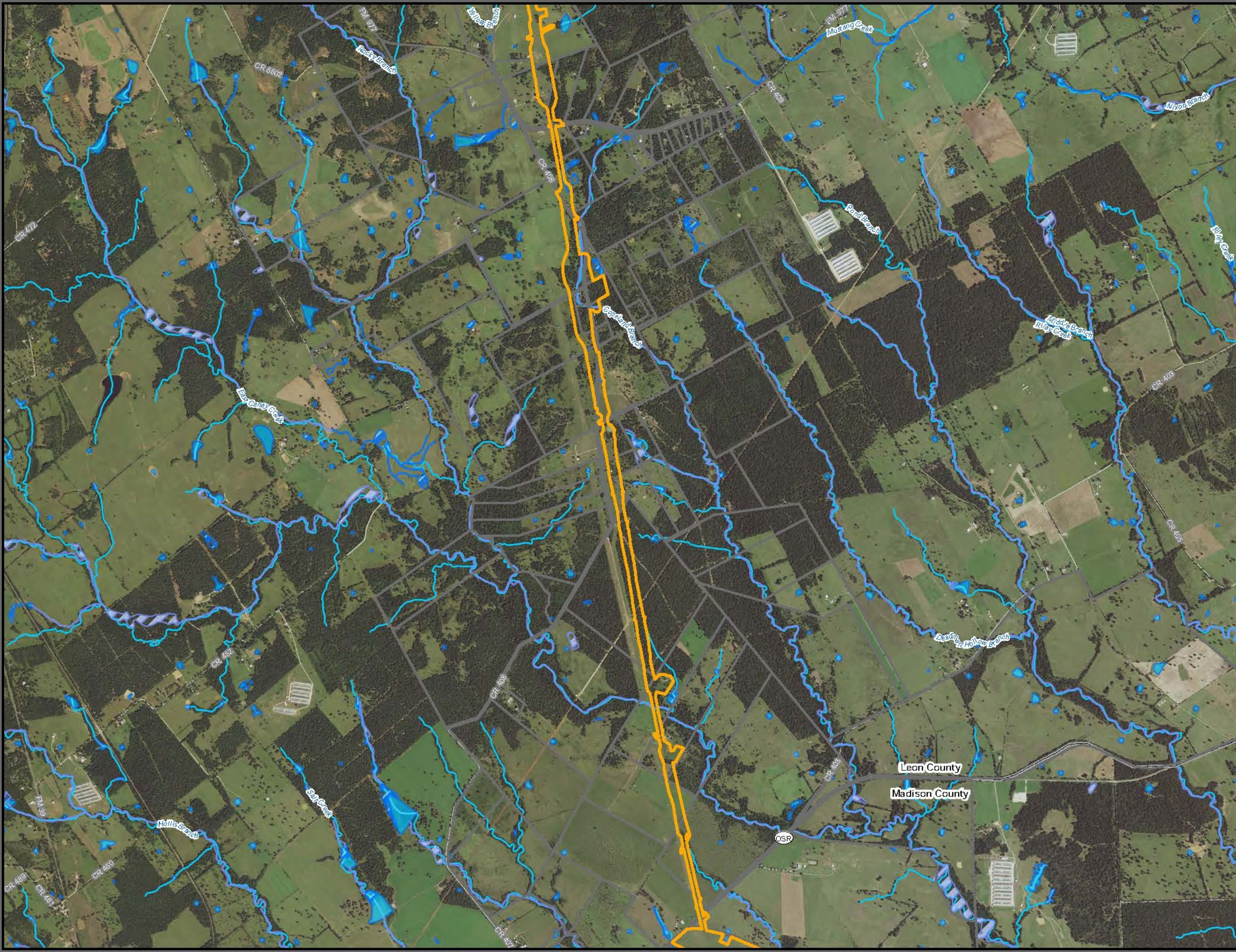
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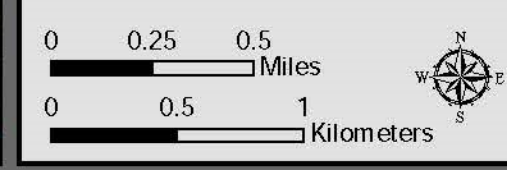




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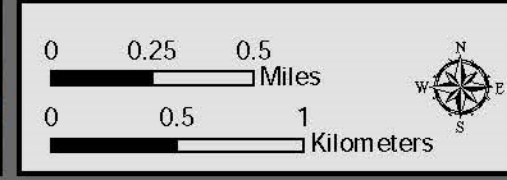
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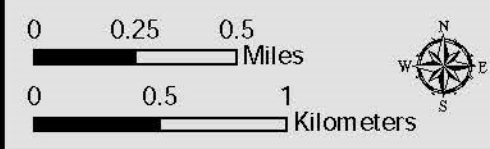


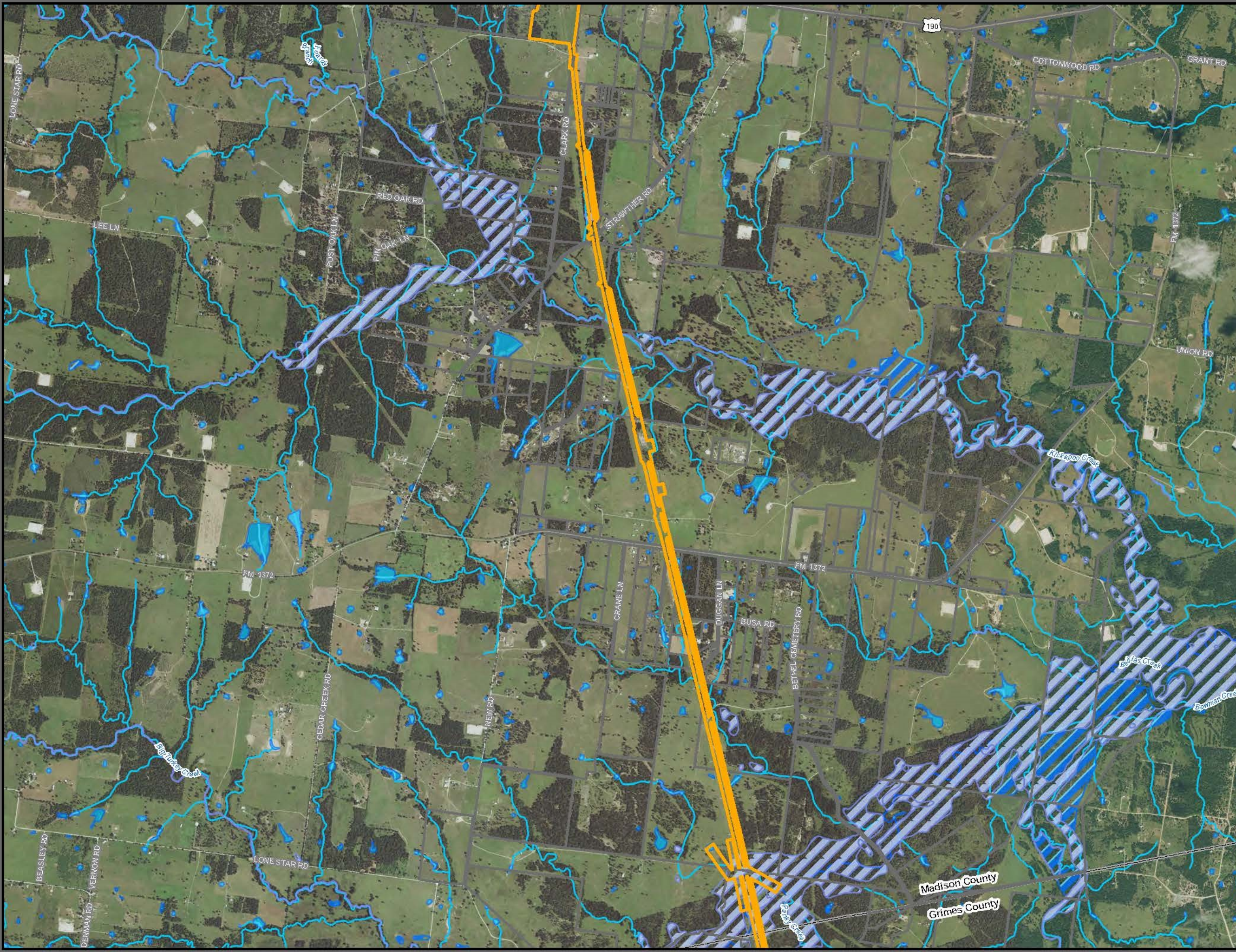
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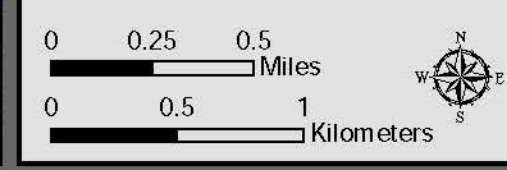




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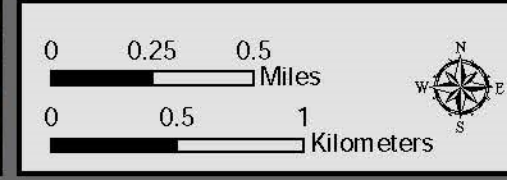


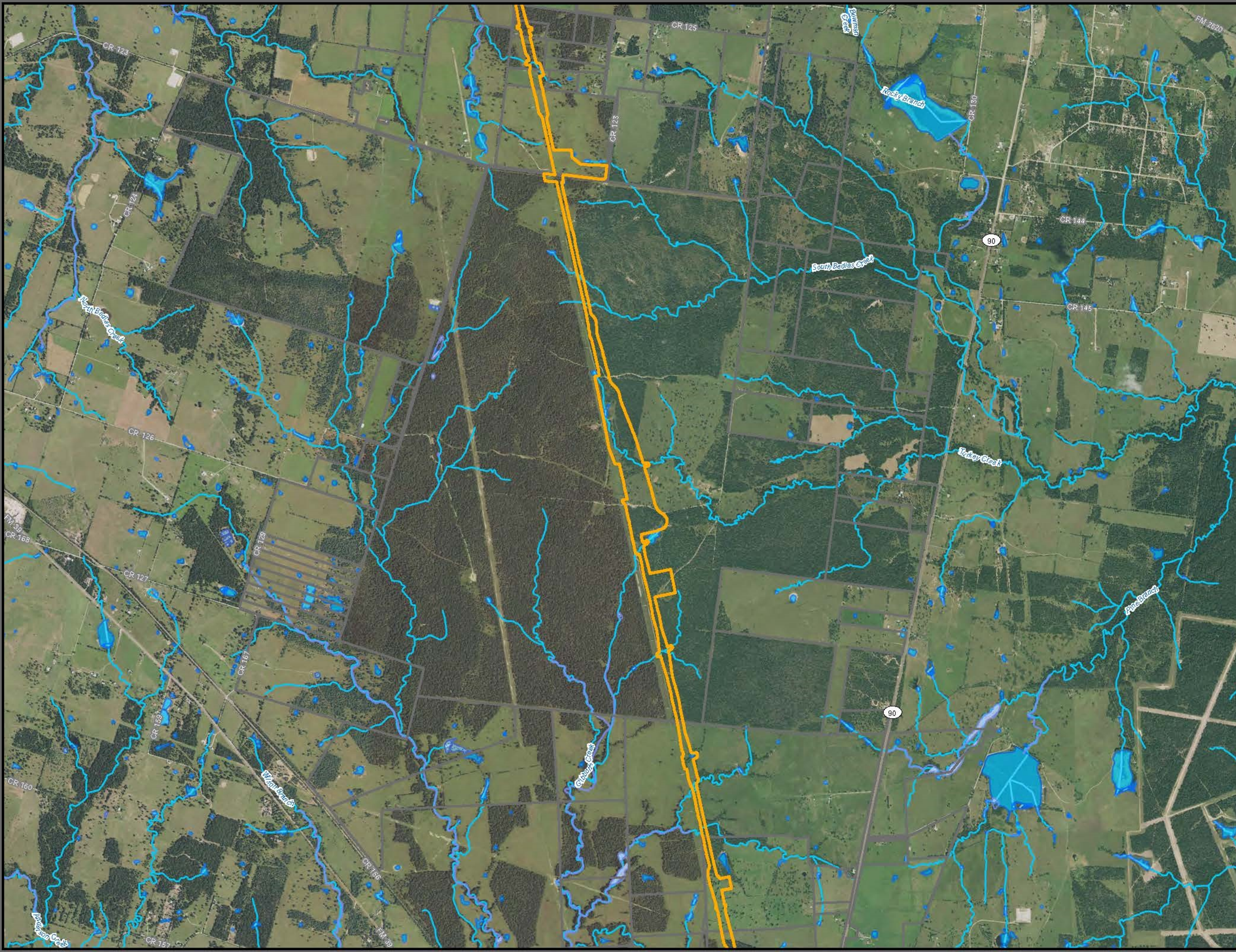


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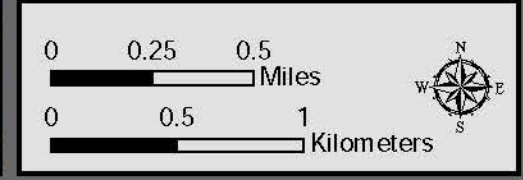


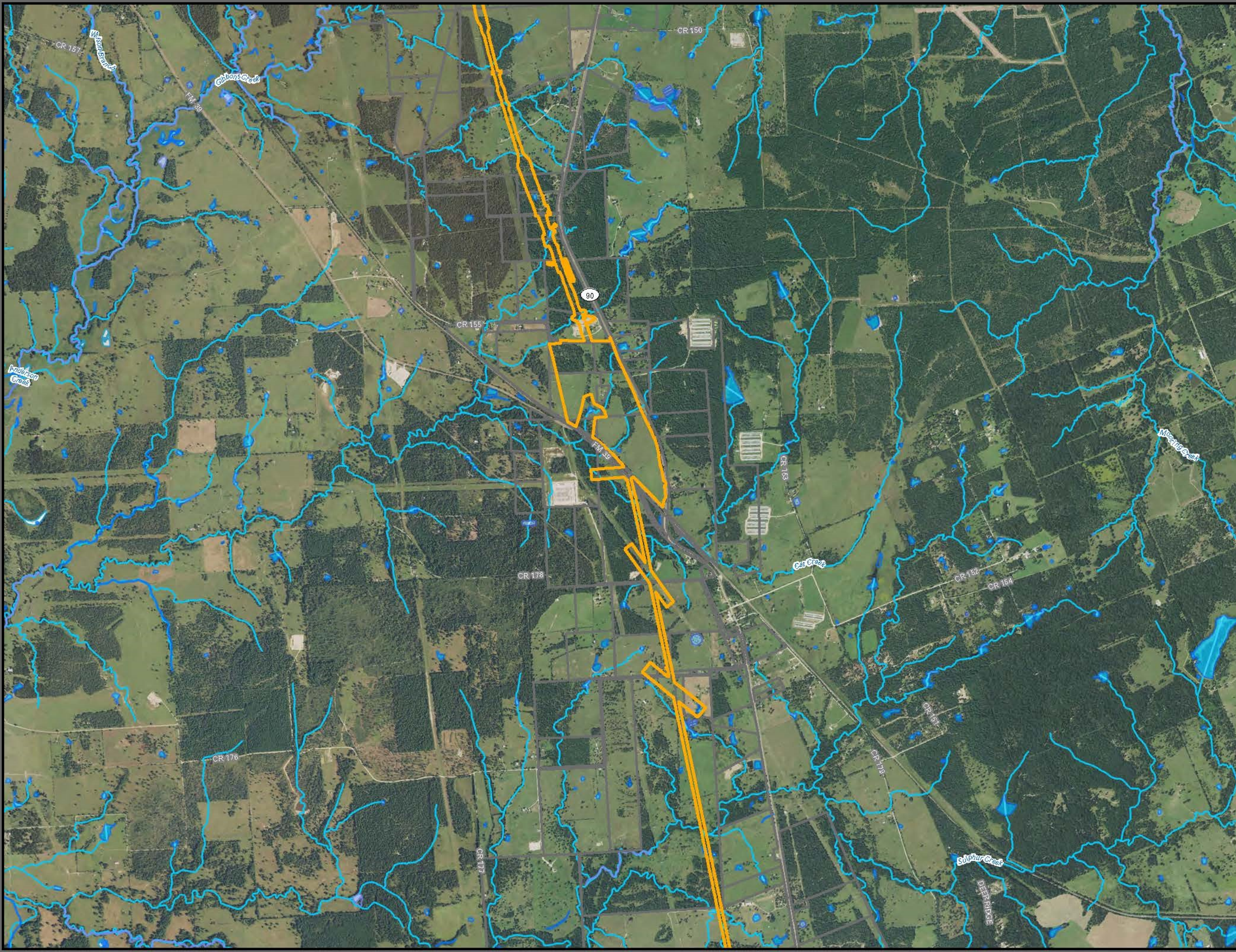


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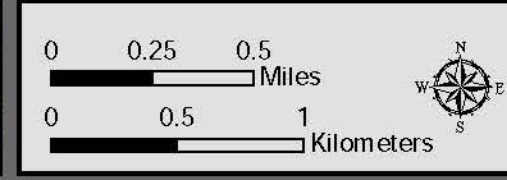




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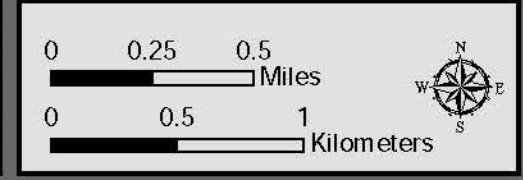




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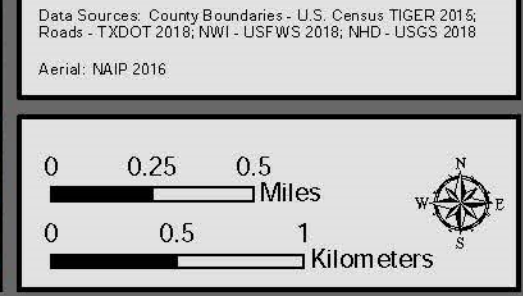
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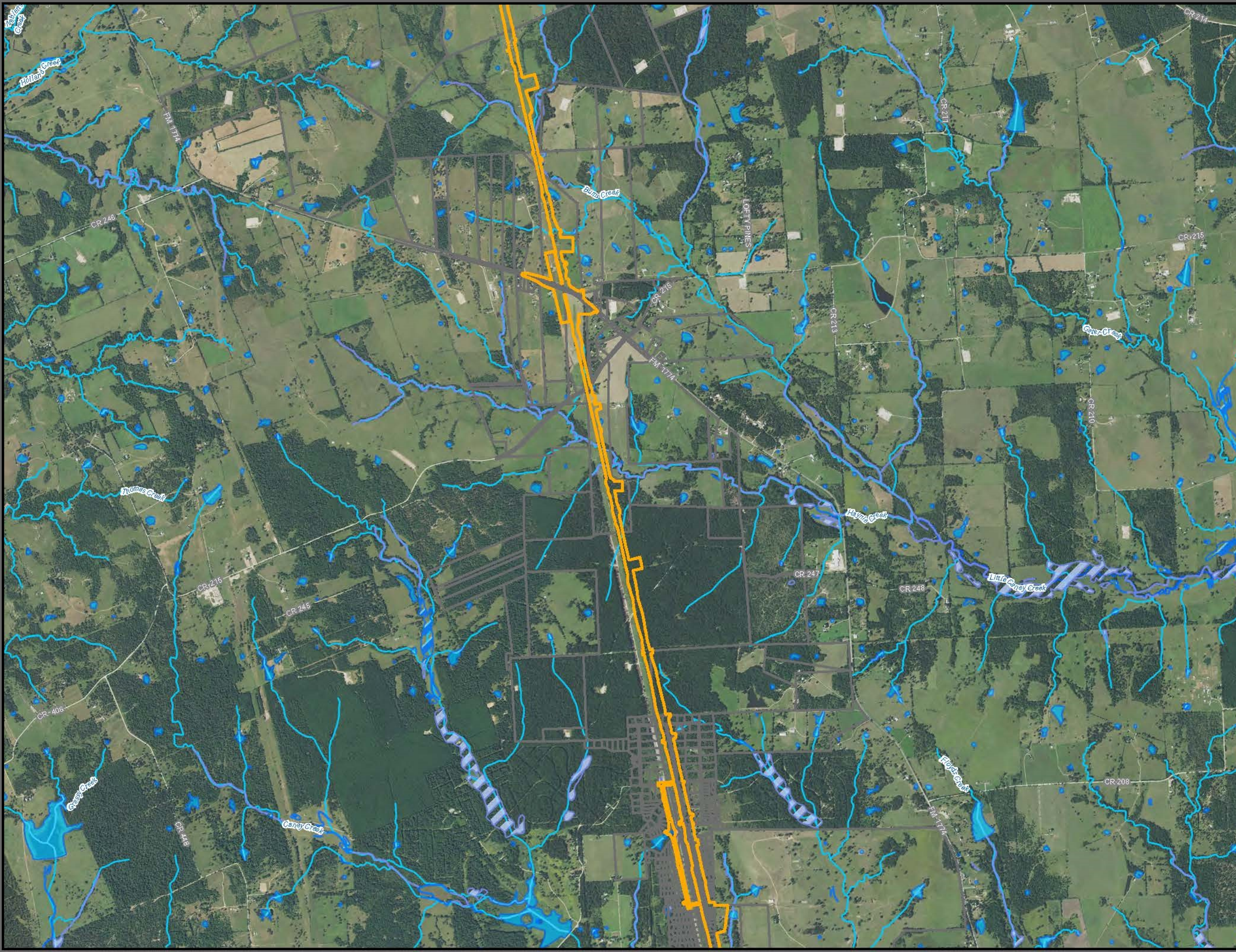
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- Freshwater Forested/Shrub Wetland
- Other

Data Sources: County Boundaries - U.S. Census TIGER 2015;
Roads - TXDOT 2018; NWI - USFWS 2018; NHD - USGS 2018
Aerial: NAIP 2016





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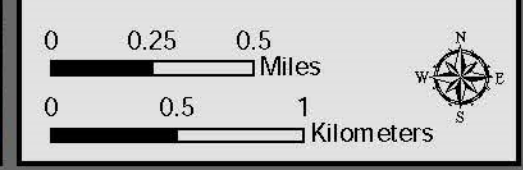
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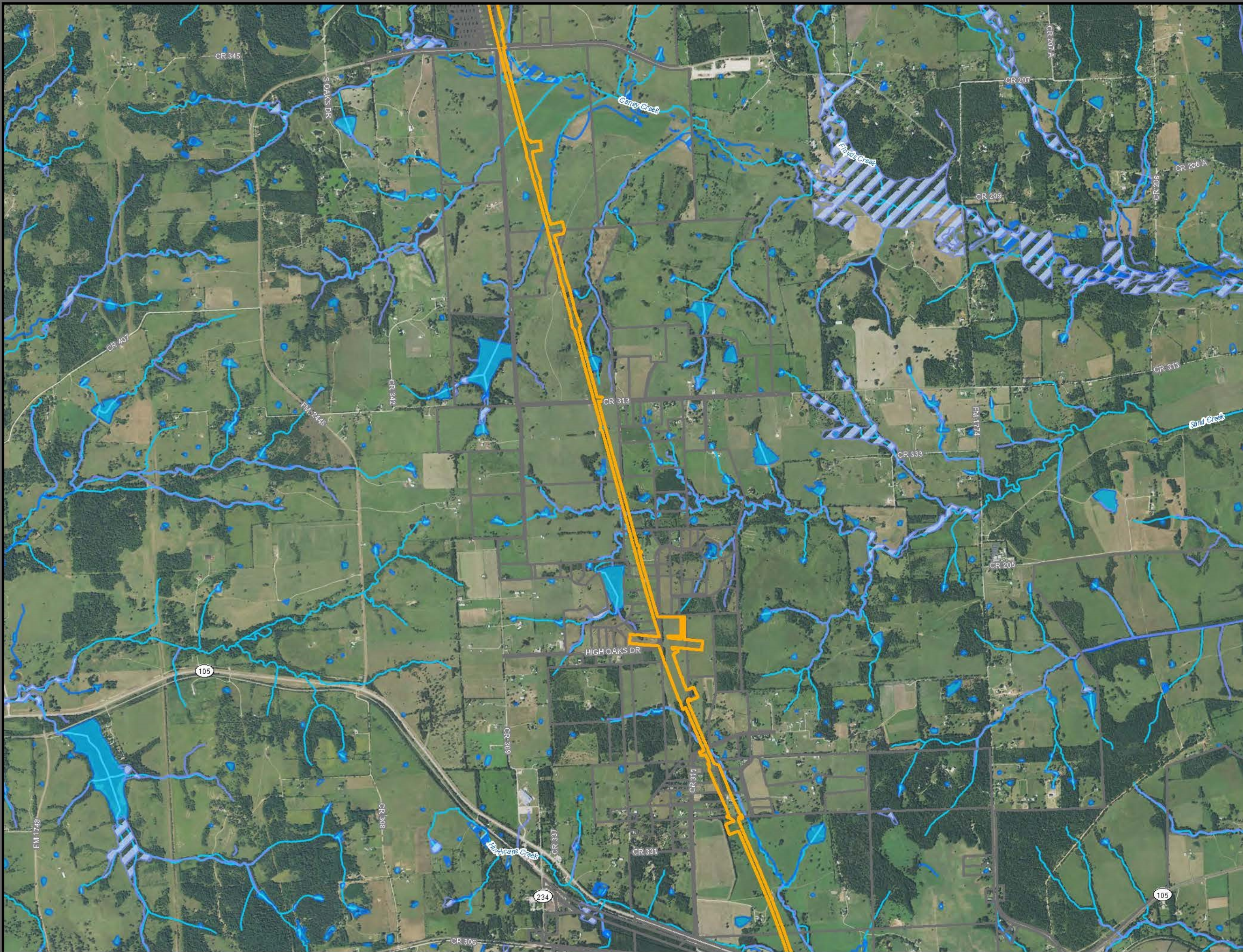
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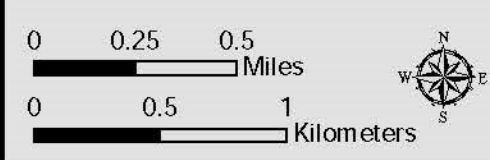


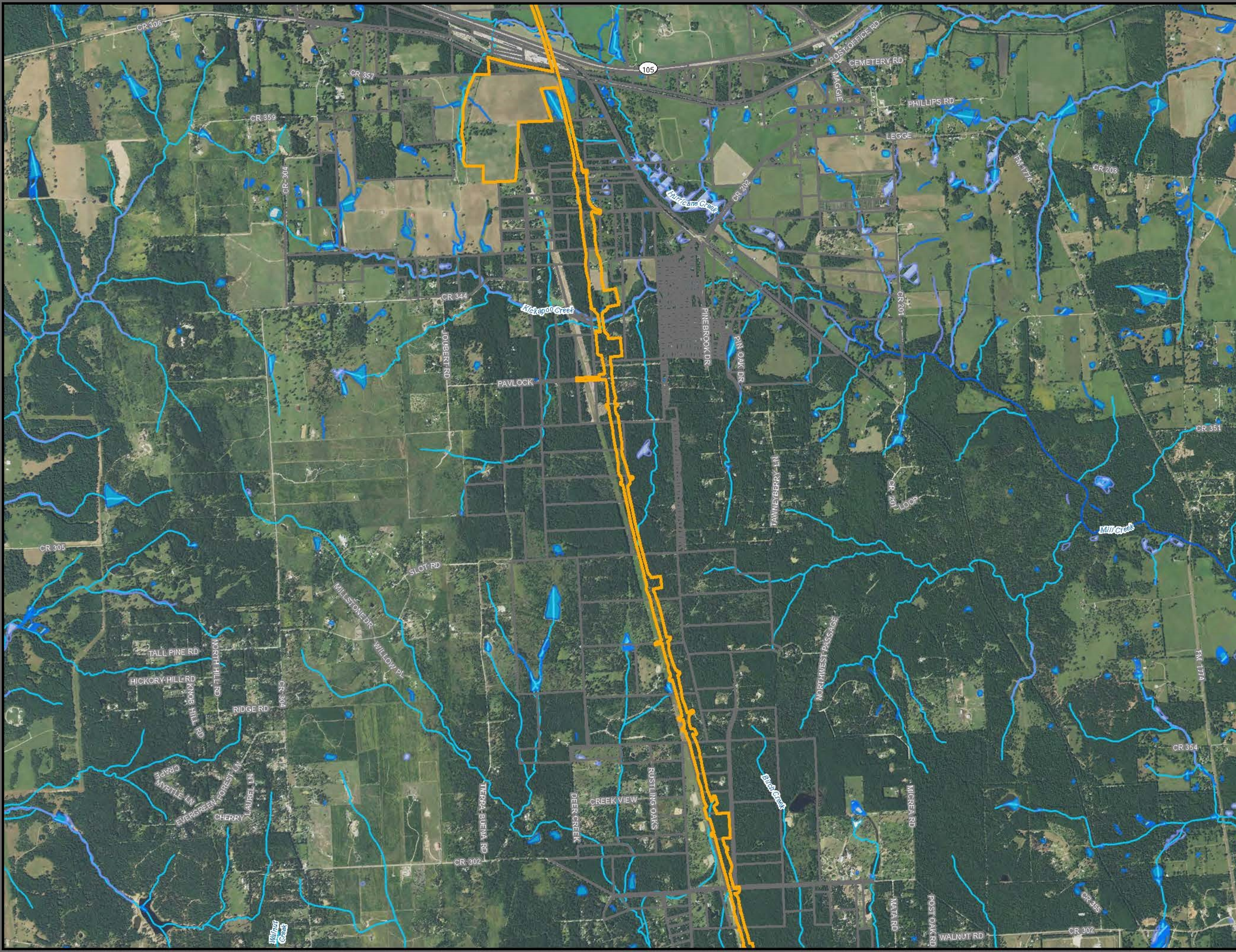


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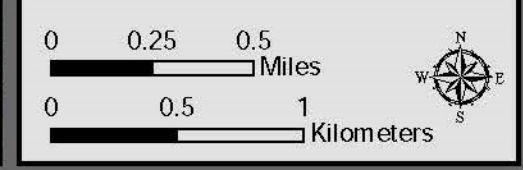


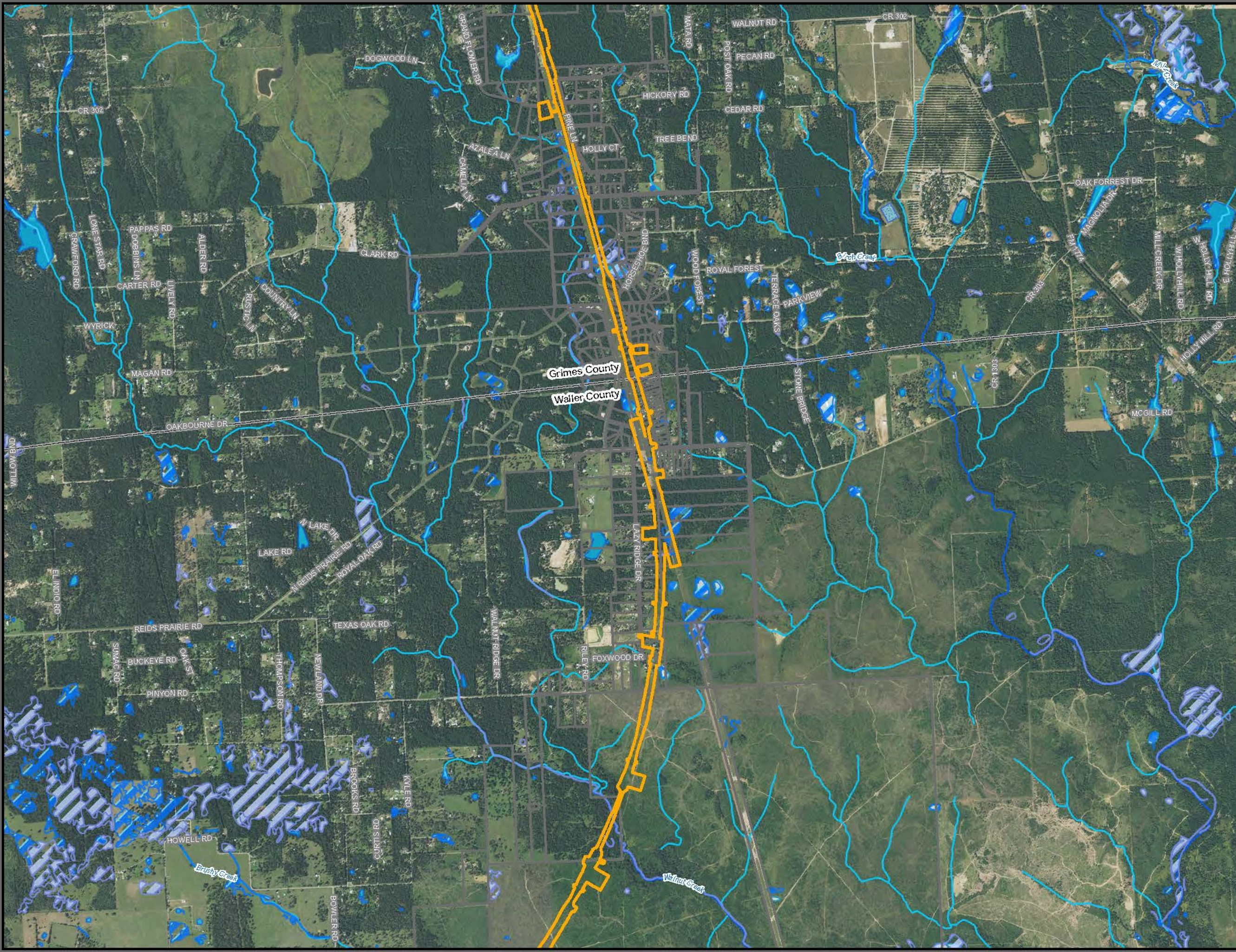


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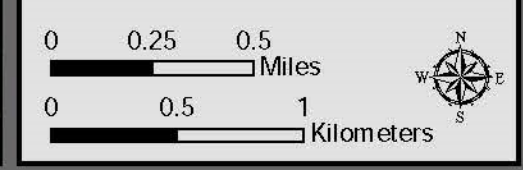
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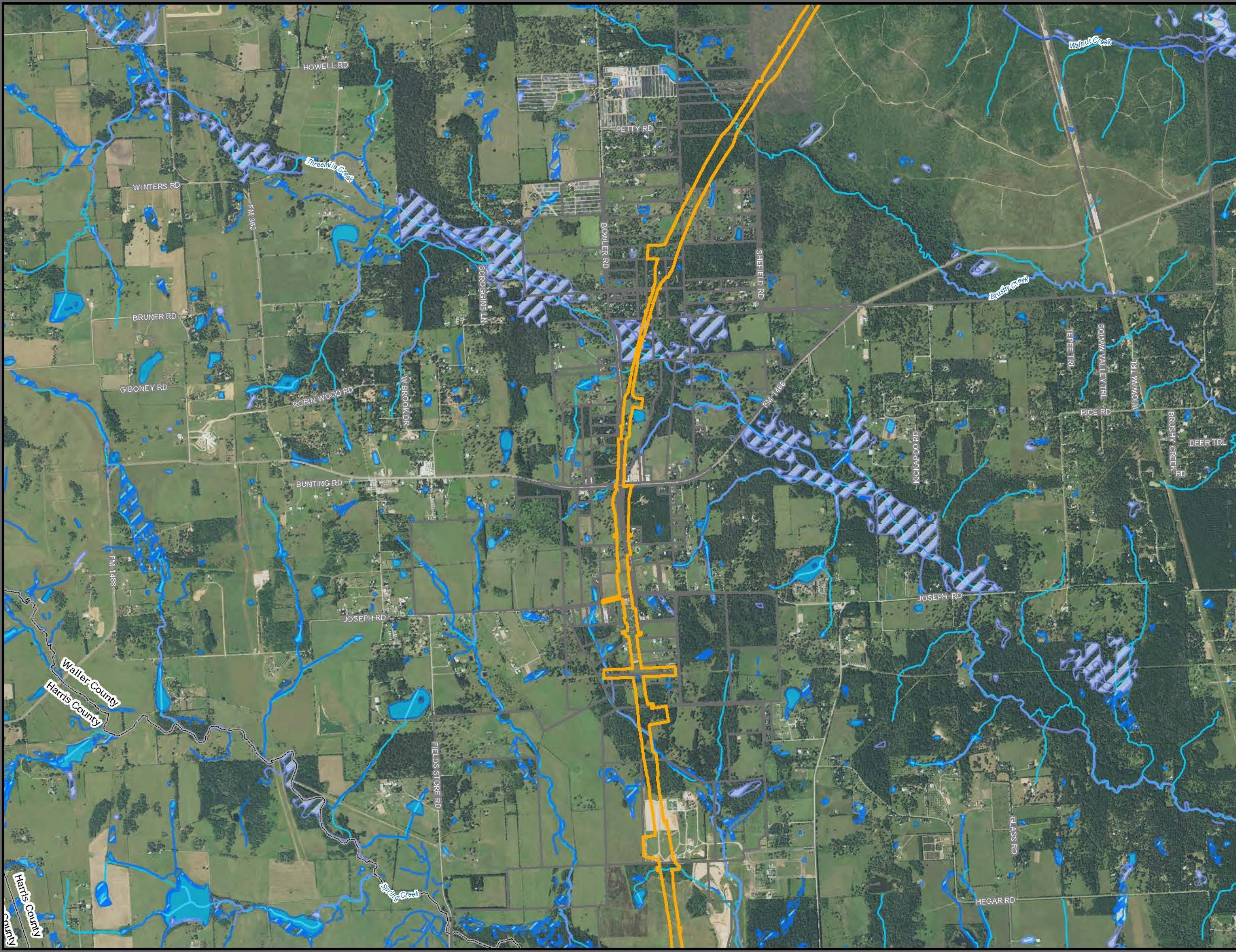
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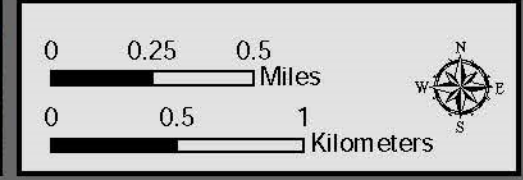
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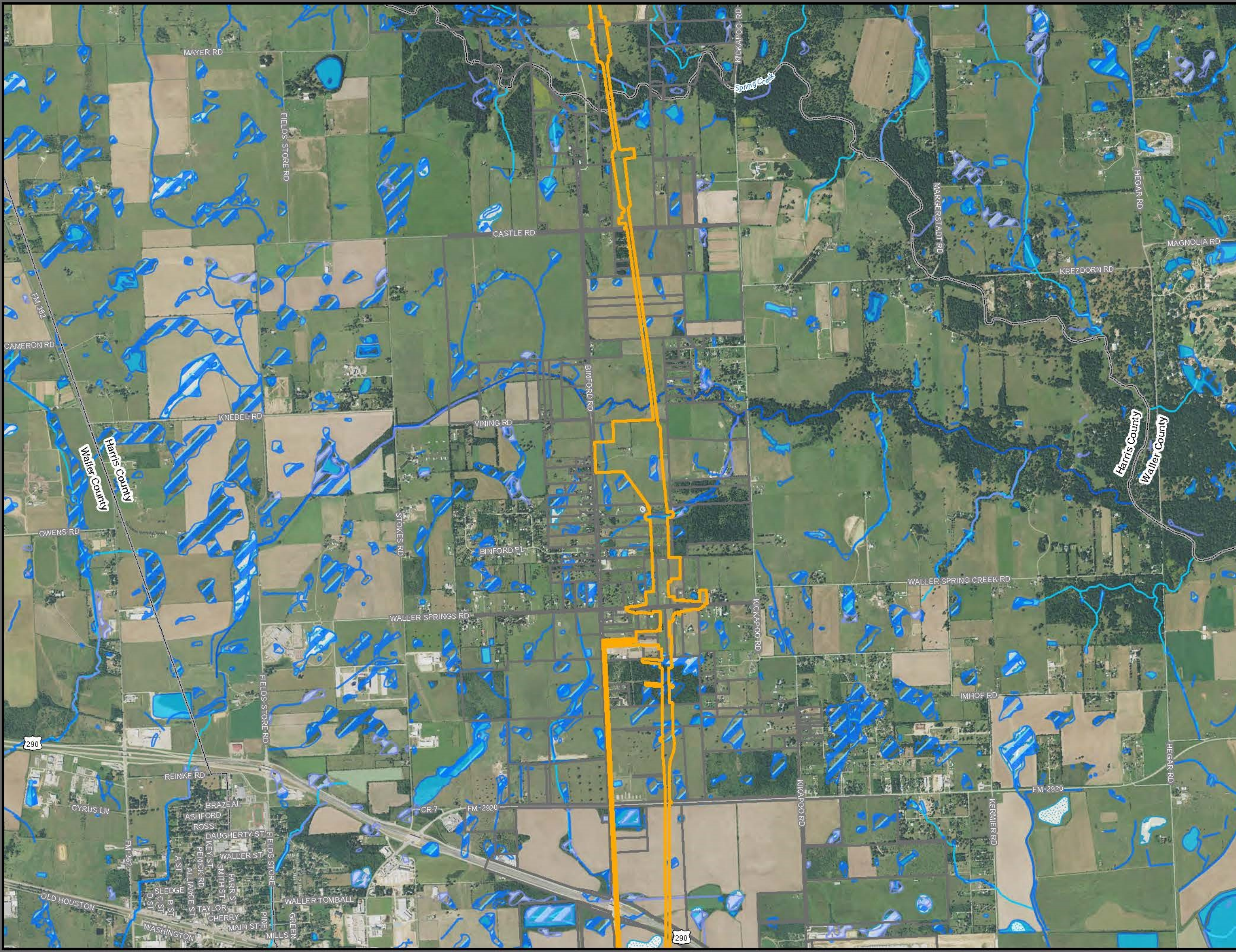
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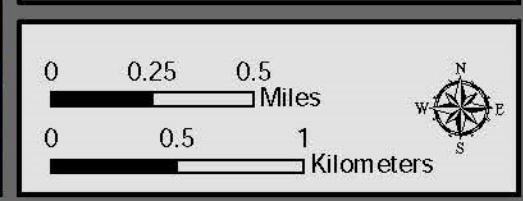


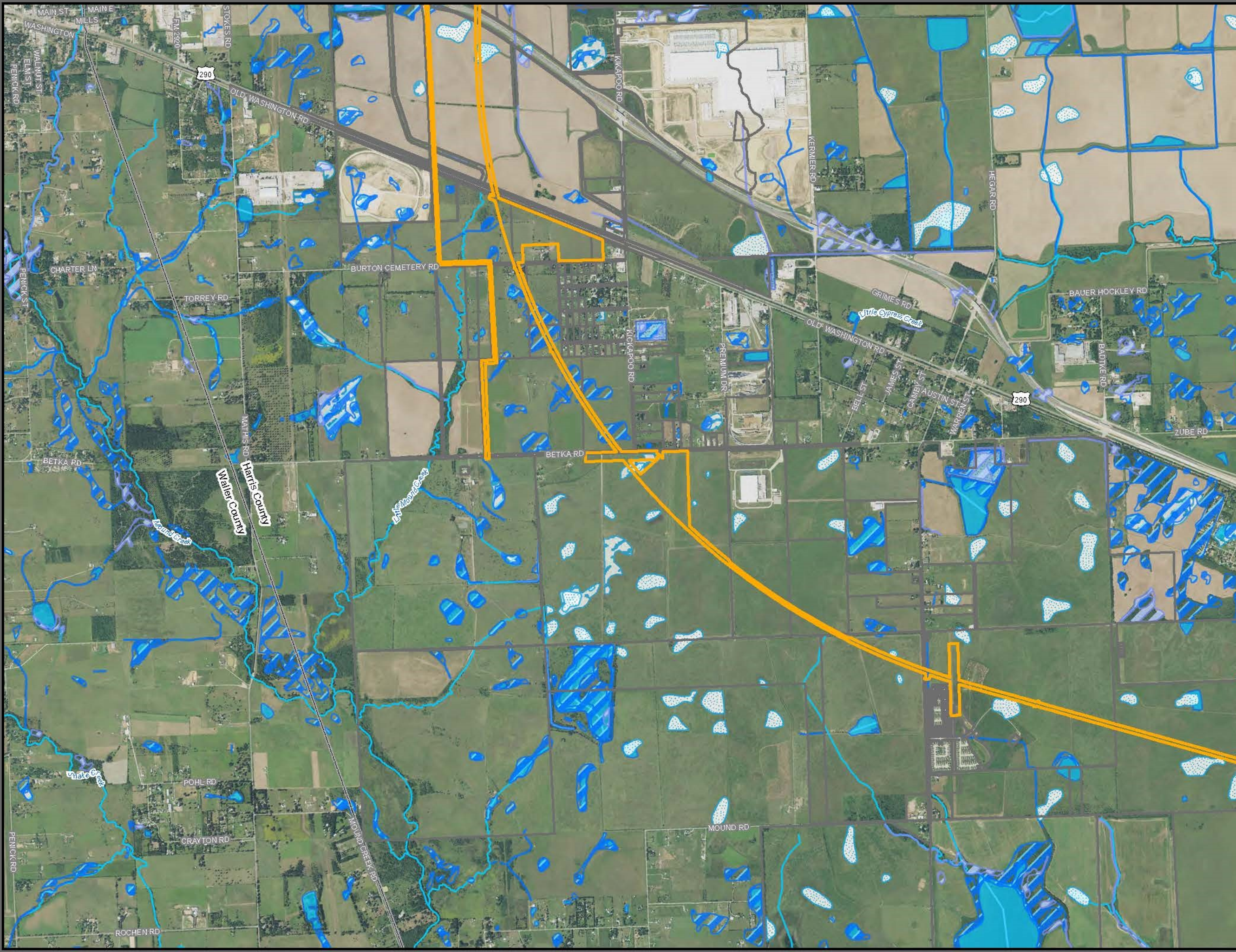


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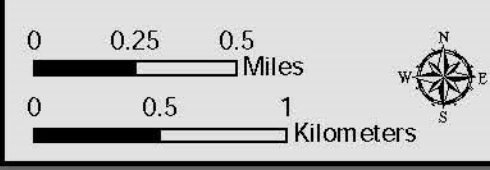




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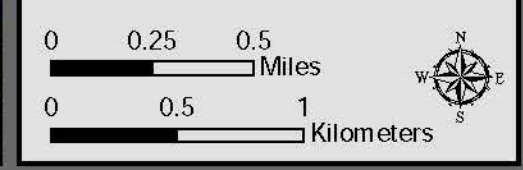
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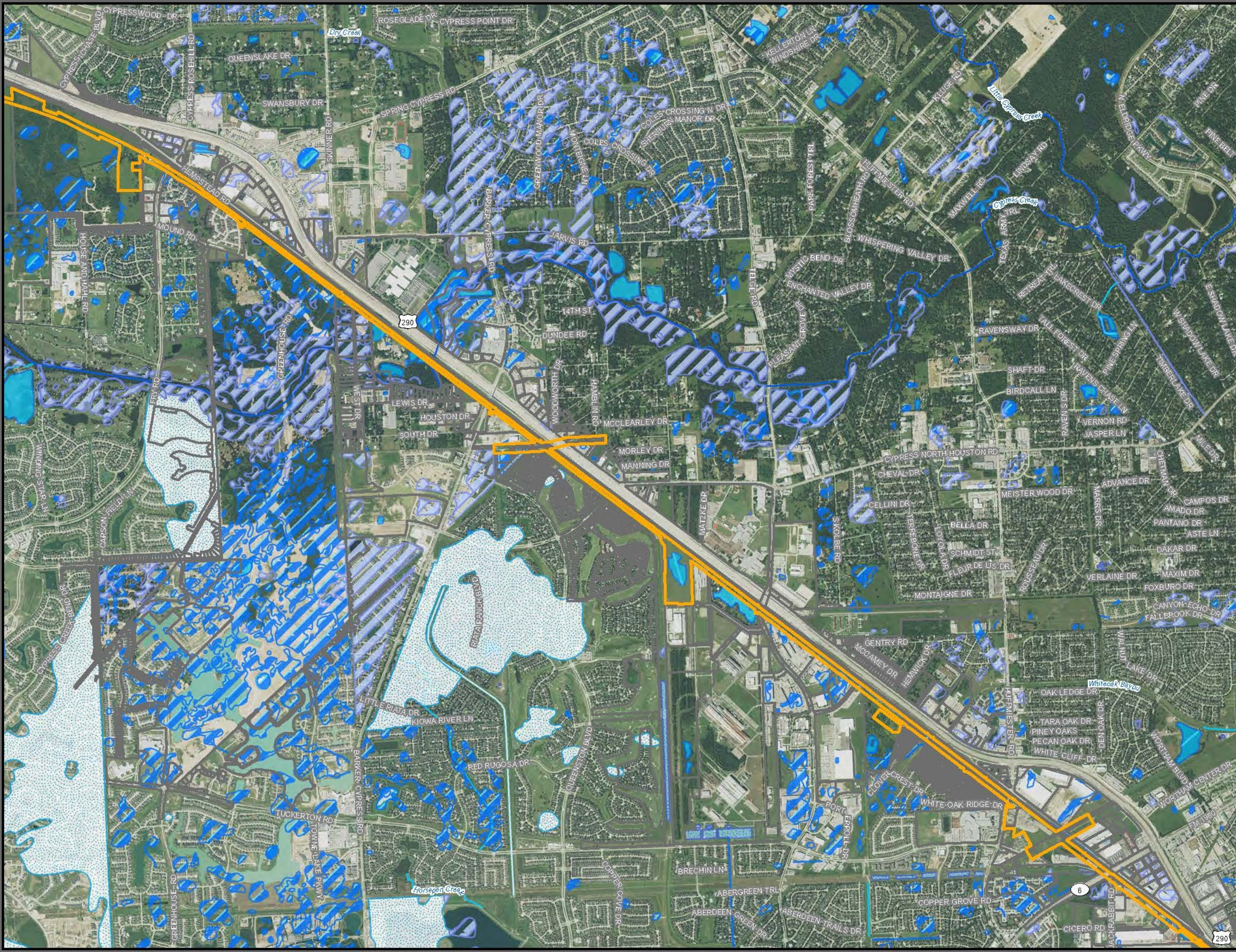
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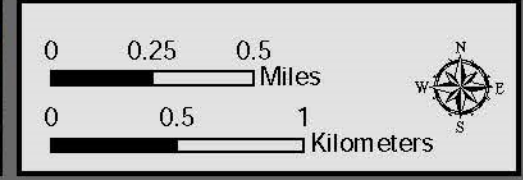


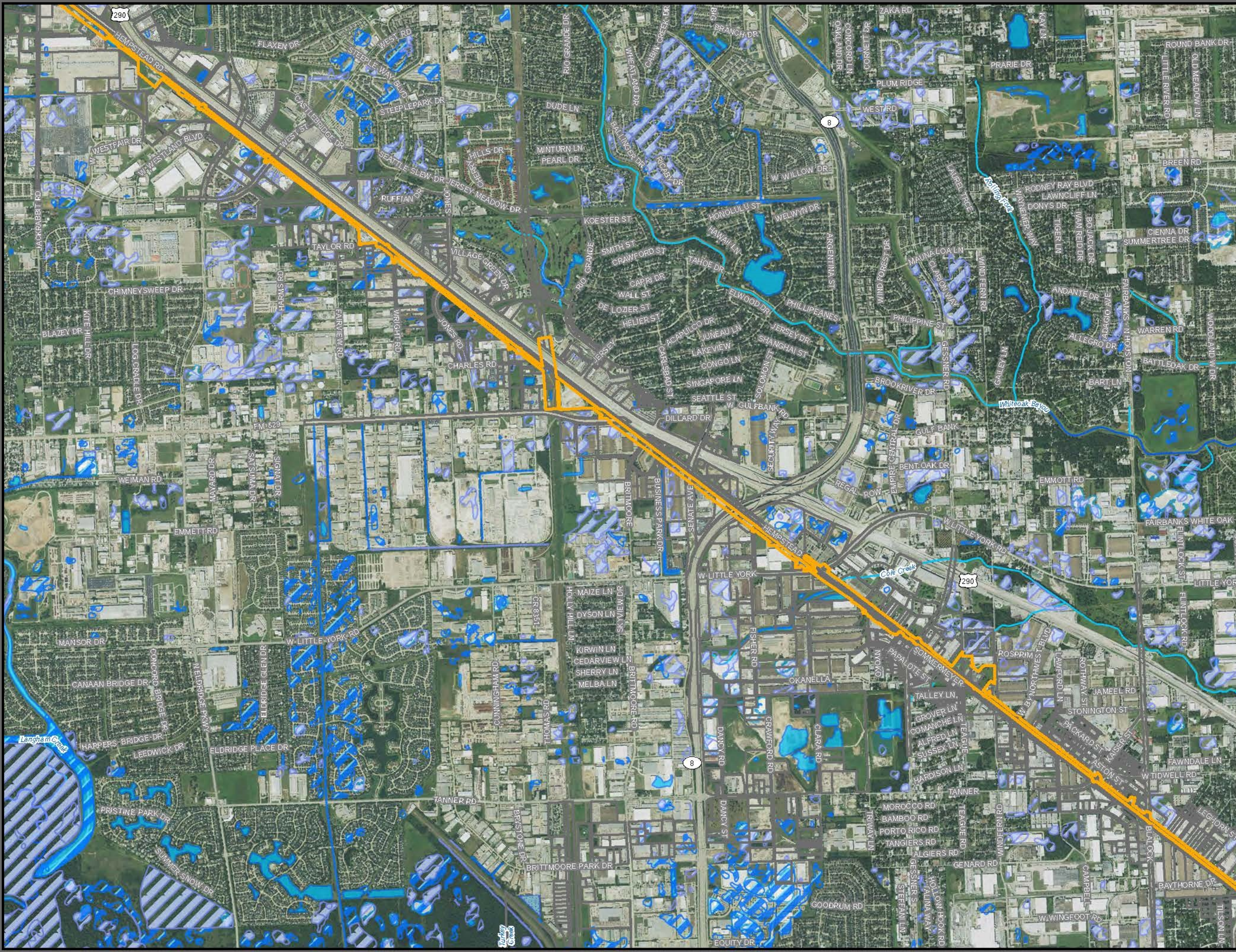


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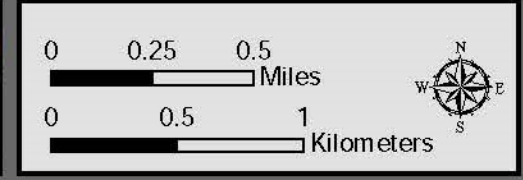


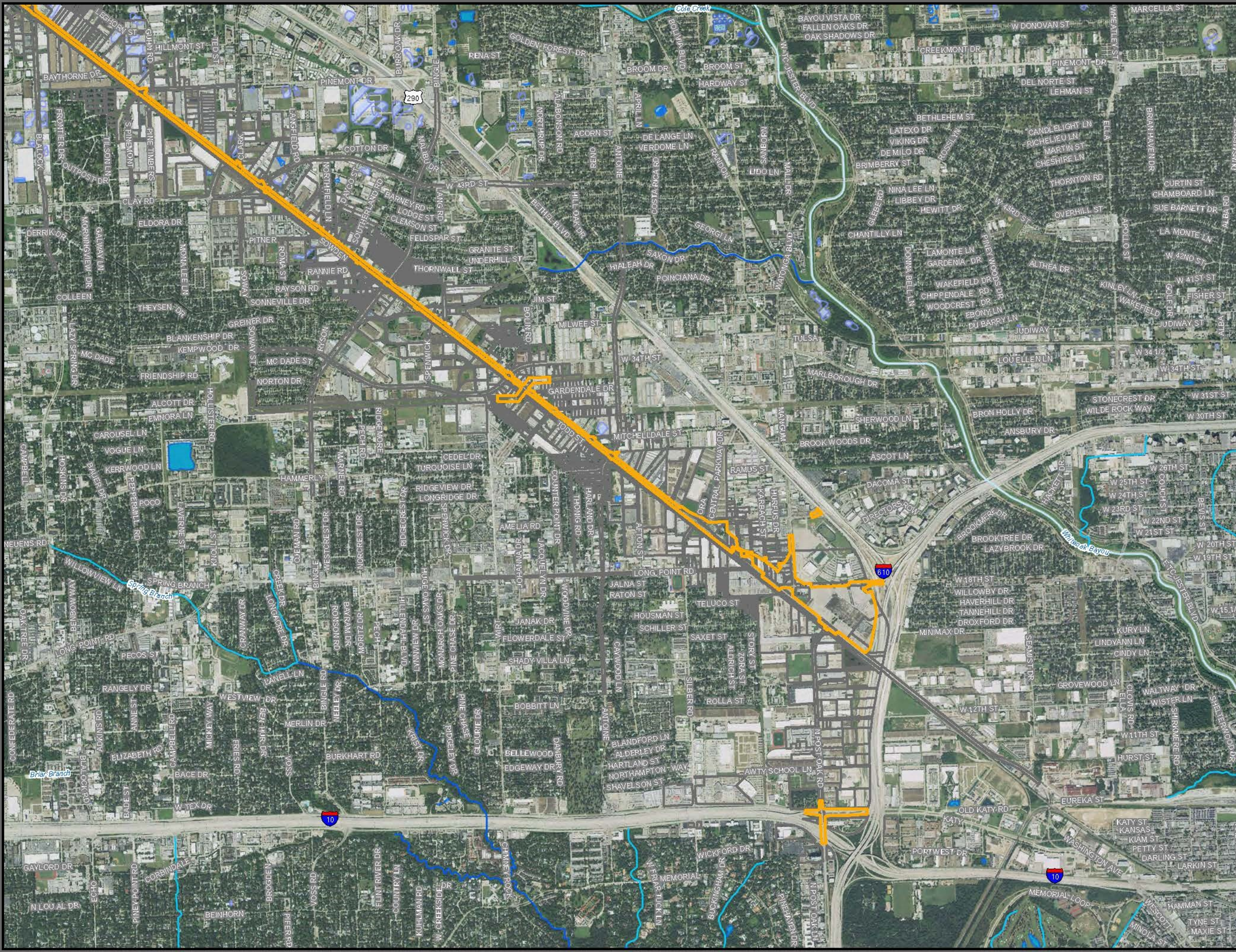


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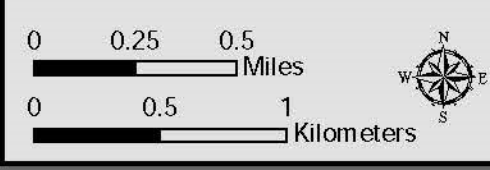




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Data Sources: County Boundaries - U.S. Census TIGER 2015;
Roads - TXDOT 2018; NWI - USFWS 2018; NHD - USGS 2018
Aerial: NAIP 2016



Appendix I

Unanticipated Discovery Plan for Cultural Resources and/or Human Remains

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UNANTICIPATED DISCOVERY PLAN FOR CULTURAL RESOURCES AND/OR HUMAN REMAINS PROTOCOL FOR PROJECT PERSONNEL AND CONSTRUCTION CONTRACTORS

1. Introduction

Texas Central Railroad, LLC (TCRR) and its affiliates propose to construct the 240-mile Dallas to Houston High-Speed Rail (Project) through the Texas counties of Dallas, Ellis, Navarro, Freestone, Limestone, Leon, Madison, Grimes, Waller, and Harris. TCRR recognizes that despite the intensive cultural field investigations performed prior to Project construction, archeological and historic sites have the potential to be discovered during the construction process, and compliance with applicable federal and state laws and regulations regarding cultural resources and human remains must be followed. In order to provide additional safeguards against the possibility that the construction of the Project might impact cultural resources, including human remains, this Unanticipated Discovery Plan (Plan) has been developed as guidance to project consultants, project personnel, and construction contractors in the proper procedures and protocol to be followed when dealing with unanticipated discoveries of archeological resources, historic resources, and/or human remains.

The purpose of the Plan is to provide an overview of the Project specific resources along the route, so both construction contractors and project personnel will be aware of the kinds of unanticipated cultural resources, including human remains, which may be encountered in the field, and will emphasize the exact procedures to be followed. These procedures are to ensure lines of communication with the appropriate project personnel and government authorities are clearly established prior to the start of construction so discoveries can be addressed in a timely manner, minimizing the impacts to the construction schedule to the greatest extent possible.

2. Definitions

- **Area of Potential Effect (APE):** Is the area identified where ground disturbing activities from project construction and project operation have the potential to disturb cultural resources, including historic structures, archeological sites, unidentified graves, and unmarked graves.
- **Archeological Site:** An archeological site may be composed of a collection of artifacts, an archeological feature, or human remains.
- **Artifact:** An artifact may be defined as an object that has been intentionally made, produced or modified for a certain purpose by a human being.
 - Common historic artifacts: bottles, glass, pottery, ceramics, bricks, nails, miscellaneous metal fragments, charcoal, etc.
 - Common prehistoric artifacts: projectile points (arrowheads), stone chips or flakes, rough pottery, stone tools, etc.
- **Associated Funerary Objects:** Objects that were intentionally buried with human remains, either made for burial purposes or to contain human remains.
- **Cemetery:** A place that is used or intended to be used for interment, and includes a graveyard, burial park, mausoleum, or any other area containing one or more graves.
- **Cultural Materials:** includes man-made objects and features indicating past human activity.
- **Eligible for the National Register of Historic Places:** properties formally determined to meet the National Register Criteria (see **National Register of Historic Places**).

- **Extenuating Circumstances:** An unanticipated discovery that will require more than 30 days of work stoppage.
- **Feature:** A collection of one or more non-portable representations or remains of representations of human activity or occupation such as walls, storage pits, foundations, wells, middens (a prehistoric or historic dump for domestic waste), burials, etc.
- **Historic:** Any district, site, building, structure, or object greater than 45 years old.
- **Historic Property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places.
- **Interment:** The permanent disposition of remains by entombment, burial, or placement in a niche.
- **Limits of Disturbance (LOD):** The areas identified where ground disturbing activities from project construction and project operation take place.
- **Native American Graves Protection and Repatriation Act (NAGPRA):** Native American Graves Protection and Repatriation Act of 1990
- **National Register of Historic Places:** The official list of the Nation’s historic places worthy of preservation; overseen by the National Park Service and enacted by the National Historic Preservation Act of 1966, as amended.
- **Midden:** Accumulation of occupational debris; organic remains, burned rocks, shells, etc.
- **Prehistoric:** Remains of human activity that was present prior to recorded or written history.
- **Section 106:** Part of the National Historic Preservation Act of 1966 that requires federal agencies to consider the effects of their project, or undertaking, on historic properties.
- **Survey:** Fieldwork to locate historic standing structures and historic and prehistoric archeological sites; may include pedestrian (on-foot surface examination), shovel testing, and deep trenching by backhoe.
- **State Historic Preservation Officer (SHPO):** The Texas Historical Commission (THC) takes the role of the SHPO in the state of Texas, which is the state agency for historic preservation.
- **Tribal Historic Preservation Officer (THPO):** Tribal official appointed by the tribe’s chief governing authority who has assumed the responsibilities of the SHPO/THC for purposes of Section 106 compliance on tribal lands.
- **Unanticipated Discovery:** A discovery that would require project construction to stop so that an archeologist or architectural historian may evaluate the nature of the find. An unanticipated discovery may consist of historic or archeological features, including deposits of non-human skeletal material. An unanticipated discovery may also consist of any human remains located anywhere in the Project APE/LOD that were not previously identified.

3 Training and Orientation

The on-site supervisor will be responsible for advising construction/contractor personnel on the procedures to follow in the event that an unanticipated discovery is made. Training will occur as part of the pre-construction on-site training program.

4. Unanticipated Discovery of Archeological Sites or Historic Structures

This Plan provides the approach to be employed in addressing emergency discoveries and ensure any potentially significant archeological or historic resources discovered during construction are dealt with in full accordance with State and Federal requirements. Previously undocumented cultural resources

discoveries that require reporting and notification include any recognizable evidence of human occupation (concentrations of artifacts, man-made features, concentration of animal bone, etc.).

- Construction activities within the immediate area of an unanticipated discovery will be halted within a 150-foot radius buffer zone of the discovery;
- This buffer zone will be secured through the installation of flagging tape and/or protective fencing;
- Notify the on-site supervisor immediately, who will then contact the project manager and the designated cultural resource specialists (**Table 1**);
- Minimize the movement of vehicles and equipment in the area surrounding the discovery;
- Specific THC instructions will be followed on a case by case basis, although, at a minimum, archeological investigations will be performed to stabilize deposits and protect deposits from scavengers or looters; and
- Once the discovery has been documented and assessed, the stop-work order will be lifted as soon as practical.

Table 1				
Company	Contact Title	Contact Name	Phone Number	E-mail Address
	Project Manager (primary)			
	Project Manager (alternate)			
	Archeologist (primary)			
	Archeologist (alternate)			
	Architectural Historian (primary)			
	Architectural Historian (alternate)			

5. Unanticipated Discovery of Human Remains

Cemeteries are protected under provisions of the Texas Health and Safety Code in Chapters 711-715 (Title 13, § 2, Chapter 22 of the Texas Administration Code [TAC]), and in Section 28.03(f) of the Penal Code. If any prehistoric or historic human remains or unmarked burials are encountered at any point during construction, the area of the remains should be avoided until a qualified person, as defined by §711.0105(a) under the Texas Health and Safety Code, can determine the status of the remains. Any area determined to contain the intentional burial of the remains is considered a cemetery under current Texas law. All cemeteries are protected and cannot be disturbed. The Texas Penal Code provides that intentional damage or destruction inflicted on a human burial site is a state jail felony.

Should a cemetery be encountered during construction all construction activities shall cease immediately so as to avoid impacting the remains. The THC must be notified immediately of the finding by contacting the **History Programs Division at (512) 463-5853 and the Archeology Division at (512) 463-6096.**

The discovery or disturbance of human remains (including, but not limited to, bones, teeth, hair, ashes, etc.) and/or associated burial objects is a sensitive issue that must be addressed in the event that a burial site, an unmarked grave, or a cemetery is impacted by planned construction. Human remains and grave goods should not be removed. Construction personnel will follow the procedures below:

6. Procedures for the Discovery of Human Remains

- All human remains, burial sites, or burial related materials that are discovered during construction will at all times be treated with dignity and respect;
- Construction activities within the immediate area of an unanticipated discovery of human remains and/or related objects will be halted within a 150-foot radius buffer zone of the discovery;
- Special attention should be given to the possible extension of the new found human remains and/or related objects beyond the APE/LOD, this buffer zone will be secured through the installation of flagging tape and/or protective fencing;
- Notify the on-site supervisor, who will then contact the project manager and designated archeologist (see **Table 1**). The designated archeologist will then contact the THC, county sheriff, and the appropriate law enforcement agency, coroner, medical examiner, or justice of the peace within 24 hours of the discovery (**Table 2**);
- In cases of inclement weather, the human remains should be protected with tarps;
- Minimize the movement of vehicles and equipment in the area surrounding the discovery;
- Specific THC instructions will be followed on a case by case basis, although, at a minimum, archeological investigations will be performed to stabilize deposits and protect deposits from scavengers or looters;
- Work within this area will not resume until cleared by the appropriate personnel; and
- File a Notice of Existence of a Cemetery with the County Clerk within 10 days
(http://www.thc.texas.gov/search?query=notice+of+existence+cemetery&form_token=&form_id=search_form&cx=004905124693252667962%3AAsxyaskemxxg&ie=UTF-8)

Table 2		
County	Agency	Phone Number
All Counties	THC History Programs Division	512.463.5853
All Counties	THC Archeology Division	512.463.6096
Dallas	Dallas County Sheriff	214.653.3450
Dallas	Dallas County Medical Examiner	214.920.5900
Ellis	Ellis County Sheriff	972.825.4901
Ellis	Ellis County Justice of the Peace – Precinct One	972.825.5319
Navarro	Navarro County Sheriff	903.654.3002
Navarro	Navarro County Justice of the Peace – Precinct One	903.654.3055
Navarro	Navarro County Justice of the Peace – Precinct Three	903.654.3063
Navarro	Navarro County Justice of the Peace – Precinct Four	903.654.3092
Freestone	Freestone County Sheriff	903.389.3236
Freestone	Freestone County Justice of the Peace	*N/A
Limestone	Limestone County Sheriff	254.729.3278
Limestone	Limestone County Justice of the Peace – Precinct Four	254.562.7113
Leon	Leon County Sheriff	903.536.2749
Leon	Leon County Justice of the Peace	*N/A
Madison	Madison County Sheriff	936.348.2755
Madison	Madison County Justice of the Peace – Precinct Three	936.348.5151
Madison	Madison County Justice of the Peace – Precinct Four	936.348.5151
Grimes	Grimes County Sheriff	936.873.2151
Grimes	Grimes County Justice of the Peace – Precinct One	936.394.2060

Table 2		
County	Agency	Phone Number
Grimes	Grimes County Justice of the Peace – Precinct Two	936.873.6452
Waller	Waller County Sheriff	979.826.8282
Waller	Waller County Justice of the Peace – Precinct Two	936.372.2193
Harris	Harris County Sheriff	713.221.6000
Harris	Harris County Medical Examiner	713.796.9292

Source: AECOM 2020
*N/A: Not Available

In construction situations where Native American human remains are discovered, consultation with Native American tribes may be required. If Native American human remains are encountered during construction, TCRR will follow the procedures for such discoveries in accordance with State and Federal regulations, including NAGPRA and its implementing regulations (43 CFR § 10). This will involve FRA in consultation with the THC or THPO and appropriate interested parties in an effort to identify and notify next of kin, closest lineal descendant, or the Native American tribes who may be culturally affiliated with the remains, and to determine appropriate treatment and disposition of the remains.

A plan for the avoidance of any further impact to the human remains and/or mitigative excavation, re-interment, or a combination of these treatments will be developed in consultation with the THC and, if applicable, appropriate Native American tribes or closest lineal descendants. All parties will be expected to respond with advice and guidance in an efficient time frame. Once the plan is agreed to by all parties, the plan will be implemented.

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Appendix J

Plan and Procedures for Unanticipated Discovery of Cultural Resources

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Plan and Procedures for the Unanticipated Discovery of Cultural Resources During Construction of the Dallas to Houston High-Speed Rail

1 Introduction

Texas Central Railway, LLC (TCRR) plans to construct the Dallas to Houston High-Speed Rail Project (HSR). Following are procedures, in accordance with state and federal laws, to be followed if cultural materials or human remains are discovered. Cultural resources include prehistoric and historic sites, objects, landscapes, and structures significant to the State of Texas and the United States. Cultural resources surveys have been completed prior to construction, however; there is a possibility that additional cultural resources may be encountered during the construction phase of this project.

Cultural resources are generally broken into two categories: Archeology and Historic Resources; typically, below ground and above ground, although not all archeological resources are below ground and not all historic resources are above ground.

2 Recognizing Cultural Resources

Archeology

Archeological resources are defined as sites containing the remains of past human activity. The types of archeological sites that could be encountered during construction are:

- Prehistoric campsites, prehistoric quarries, burned rock middens, prehistoric lithic scatters (i.e. arrowheads, stone chips), rock shelters, human burials, hearths, and masonry structures
- Historic farmstead or ranch related structures, historic dumps or artifact scatters (clusters of glass, metal, pottery, bricks, or agricultural equipment), military-related components, historic dams, buried railroad tracks, historic stone fences and walls, wells, cisterns, and silos

Historic Resources

Historic resources include structures that are 45 years old or older. Prior to construction, a historic resources survey was conducted to identify and record all historic resources within the project area. However, there is still potential that unidentified historic resources could be encountered on the construction site. These resources could be:

- Buildings, structures, complexes, cemeteries, historic markers, bridges, and culverts
 The types most likely to be encountered are bridges and culverts. These resources are typically smaller, low to the ground, and may be difficult to see through thick or overgrown vegetation. Construction materials for these resources include concrete, wood, and brick. Some historic culverts may have a date stamp, which indicates the year the structure was constructed.

When in doubt, assume the material is a cultural resource.

3 On-Site Responsibilities

Step 1: Stop Work. If any employee, contractor, or subcontractor believes that he or she has uncovered a cultural resource at any point in the project, all work within 150 feet of the discovery must stop. Vehicles, equipment, or unauthorized personnel are not permitted at the discovery site.

Step 2: Secure the Area. The discovery location should be secured immediately with flagging tape, a tarp, or orange fencing.

Step 3: Notify Supervisor. Notify the on-site supervisor immediately, who will then contact the project manager and the designated cultural resource specialists (**Table 1**).

Table 1				
Company	Contact Title	Contact Name	Phone Number	E-mail Address
	Project Manager (primary)			
	Project Manager (alternate)			
	Archeologist (primary)			
	Archeologist (alternate)			
	Architectural Historian (primary)			
	Architectural Historian (alternate)			

Cultural Resources

Cultural resources include prehistoric and historic sites, objects, landscapes, and structures significant to the State of Texas and the United States. Cultural resources surveys have been completed prior to construction, however; there is a possibility that additional cultural resources may be encountered during the construction phase of this project.

Cultural resources are generally broken into two categories: Archeology and Historic, typically below ground and above ground, although not all archeological resources are below ground and not all historic resources are above ground.

Archeology

Archeological resources can be defined as sites containing the remains of past human activity. The types of archeological sites that could be encountered on construction projects such as the High-Speed Rail project are those that contain:

- Skeletal remains and evidence of burials
- Projectile points and tools made of stone or bone
- Pottery, glass, metal, or brick fragments; and
- Historic features

Sites with skeletal remains and evidence of burials include a single grave and abandoned cemeteries that often have damaged or missing headstones or markers. Here are a few examples of what these types of sites may look like, if encountered during construction.

Projectile points, which are commonly known as arrowheads, and tools made of stone or bone, are typically small objects that fit in your hand. When these types of artifacts are found it may appear to be an isolated find; however, the artifact may actually be part of a larger site that contains additional artifacts. For this reason, it is important that if these types of resources are encountered, work in the area stop so the site is not destroyed and the limits of the site can be determined.

Other types of small artifacts that could be encountered include fragments of pottery, glass, metal, or brick. These types of artifacts may also be part of larger archeological sites.

Archeological resources also include historic features such as wells and cisterns. Cisterns were used to collect rain water, generally from the roof of a structure that is no longer present. Historic wells are also typically associated with a structure that is no longer present. These images show some typical construction methods for historic wells and cisterns.

Because archeological sites are either below ground or on the ground surface, these resources may be encountered during clearing and earth moving activities. If you encounter evidence of an archeological site, stop work in the area immediately and contact your supervisor. Prior to the continuation of construction, coordination and clearance with the Texas Historical Commission is required.

Historic

Historic resources include structures that are 45 years old or older. Prior to construction, a historic resources survey was conducted to identify and record all historic resources within the project area. No further evaluation of these resources was required.

However, there is still a potential that unidentified historic resources could be encountered on the construction site including buildings, bridges, culverts, and wells. The types most likely to be encountered are culverts and wells. These resources are typically smaller, low to the ground, and may be difficult to see through thick or overgrown vegetation. Construction materials for these resources include concrete, wood, and brick. Some historic culverts may have a date stamp, which indicates the year the structure was constructed.

If a historic resource that has not been previously identified is encountered on the construction site, stop work in the immediate area and notify your supervisor. Prior to the demolition of any structures, coordination and clearance with the Texas Historical Commission is required.



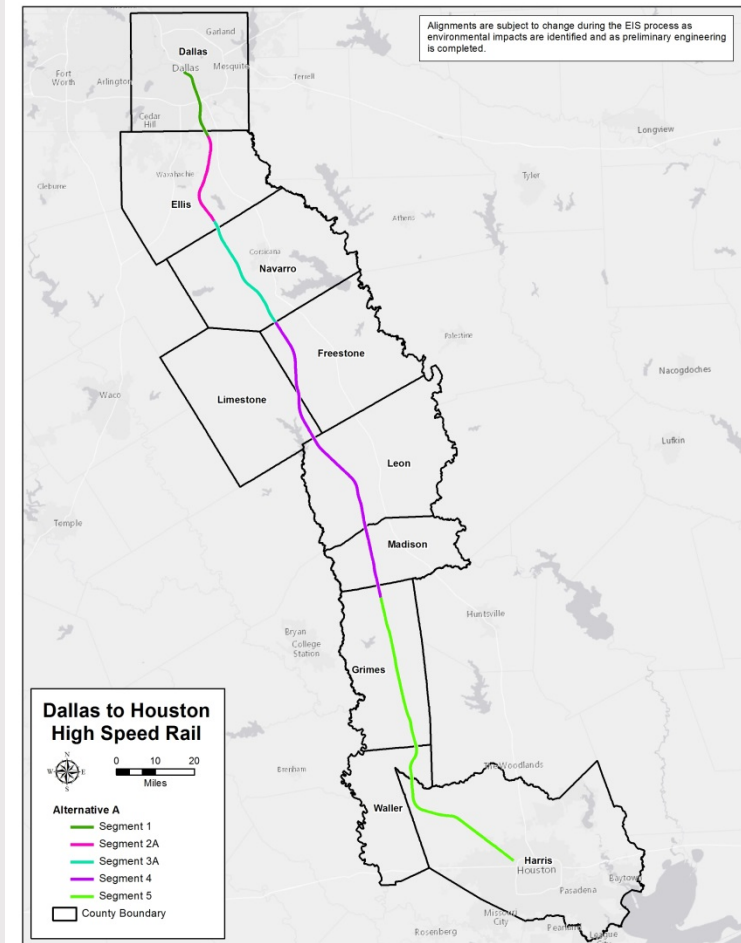
Dallas to Houston High-Speed Rail

Cultural Resources Training



Project Overview

- 240-mile high-speed passenger rail between Dallas and Houston
- Bullet train technology – N700 Tokaido Shinkansen
- 90-minute travel time with speeds up to 205 mph
- “Closed” railroad system (dedicated to high-speed rail lines)
- Terminal stations in Dallas and Houston with an intermediate station in Grimes County
- Privately funded



What are Cultural Resources?

Cultural Resources include prehistoric and historic sites, objects, landscapes, and structures significant to the state of Texas and the United States, and are generally broken into two categories: Archeology (below ground) and Historic (above ground).



Archeology



Historic



Archeological Resources:

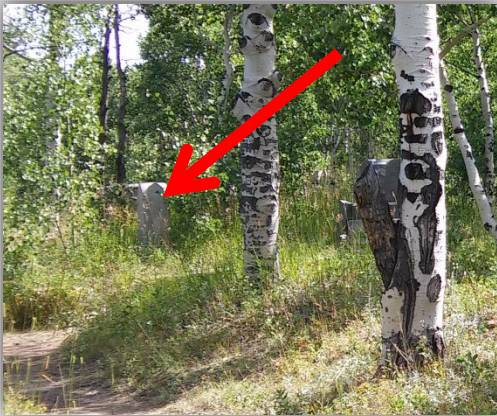
Sites containing the remains of **past human activity**, including:

- ✓ Skeletal remains and evidence of burials
- ✓ Projectile points and stone tools
- ✓ Pottery, glass, or brick fragments
- ✓ Historic features



Archeological Resources:

- **Skeletal Remains and Evidence of Human Burials:**



Isolated Burial



Deteriorated Headstone



Abandoned Cemetery

<http://www.thc.texas.gov/preserve/projects-and-programs/cemetery-preservation/cemetery-laws>



Archeological Resources:

- **Projectile Points (commonly known as arrowheads)**
- **Stone or Bone Tools**



Archeological Resources:

- Pottery, glass, metal, and bricks



Archeological Resources:

- **Historic Features (wells, cisterns, and trash dumps)**



Historic Resources:

Include structures that are 45 years old or older.

- ✓ Buildings
- ✓ Bridges
- ✓ Culverts



Historic Resources:

- **Buildings**



Historic Resources:

- **Bridges**



Historic Resources:

- **Culverts**



What do I do?

- **Encounter an Archeological or Historic Resource?**
 - **STOP WORK**
 - **Secure the area with Caution Tape or Temporary Fencing (150-foot radius)**
 - **Contact: Field Supervisor**



What do I do?

- **Encounter a Cemetery or Human Remains?**
 - **STOP WORK**
 - **Secure the area with Caution Tape or Temporary Fencing (150-foot radius)**
 - **Contact: Field Supervisor**



Who do I contact next?

- TCRR (**Name and Phone Number**)
 - THC History Programs Division
(512.463.5853)
- THC Archeology Division (512.463.6096)
 - FRA (**Name and Phone Number**)
 - Local County Sheriff (911)



Appendix K

Programmatic Agreement Principal Contacts

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Principal Contacts

FRA

Katherine Zeringue, Federal Preservation Officer

Email: katherine.zeringue@dot.gov

Phone: (202) 493-7007

Mailing Address: 1200 New Jersey Avenue, SE, Washington, DC 20590

USACE – Fort Worth District

a. James Barrera

Email: James.E.Barrera@usace.army.mil

Phone: (817) 886-1838

Mailing Address: 819 Taylor Street, Fort Worth, Texas, 76102

b. Darwin Messer

Email: Darvin.Messer@usace.army.mil

Phone: (817) 886-1744

Mailing Address: 819 Taylor Street, Fort Worth, Texas, 76102

c. Leslie Crippen

Email: Leslie.A.Crippen@usace.army.mil

Phone: (817) 886-1470

Mailing Address: 819 Taylor Street, Fort Worth, Texas, 76102

USACE – Galveston District

a. Jerry Androy

Email: Jerry.L.Androy@usace.army.mil

Phone: (409) 766-3821

Mailing Address: 2000 Fort Point Road, Galveston, Texas 77550

b. Felicity Dodson

Email: Felicity.A.Dodson@usace.army.mil

Phone: (409) 766-3105

Mailing Address: 2000 Fort Point Road, Galveston, Texas 77550

c. Robert Heinly

Email: Robert.W.Heinly@usace.army.mil

Phone: (409) 766-3992

Mailing Address: 2000 Fort Point Road, Galveston, Texas 77550

SHPO eTRAC website: <https://xapps.thc.state.tx.us/106Review/>

a. Archaeology Division

Rebecca Shelton

Email: Rebecca.Shelton@thc.texas.gov

Phone: (512) 463-6043

Mailing Address: 1511 Colorado Street, Austin, TX 78701

b. History Programs Division

Justin Kockritz

Email: Justin.Kockritz@thc.texas.gov

Phone: (512) 936-7403

Mailing Address: 1511 Colorado Street, Austin, TX 78701

ACHP

Sarah Stokely, Program Analyst

Email: sstokely@achp.gov

Phone: (202) 517-0224

Mailing Address: 401 F Street, NW, Suite 308, Washington, DC 20001-2637

TCRR

Stephen Andersen

Email: SAndersen@texascentral.com

Phone: (844) 896-7246

Mailing Address: 1409 South Lamar Street, Suite 1022, Dallas, TX 75215

Contact information may be updated, as needed, without an amendment to this PA. It is the responsibility of each Signatory to immediately inform all Signatories and Concurring Parties in writing of changes to the name or contact information for any point of contact.