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Final Archeological Survey Report

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Final Archeological Survey Report

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Final Archeological Survey Report

Archeological Scraping on FM 359 Adjacent to
Wilderness Branch Baptist Church, Fort Bend County

Houston District

CSJ: 0543-02-075

Texas Antiquities Permit #8957

Principal Investigator: Scotty Moore, MA, RPA
Cox|McLain Environmental Consulting, Inc.

July 2019

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT

Archeological Scraping on FM 359 Adjacent to
Wilderness Branch Baptist Church
Fort Bend County, Texas
(CSJ: 0543-02-075)

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For

Texas Department of Transportation
Houston District

Under

Texas Antiquities Permit 8957

Cox | McLain Environmental Consulting Inc. Archeological Report 252
(CMEC-AR-252)



COX | McLAIN
Environmental Consulting

July 26, 2019

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a memorandum of understanding dated December 16, 2014, and executed by FHWA and TxDOT.

This report contains archeological site location information (not for public disclosure).

Abstract

An intensive archeological survey was completed in order to inventory and evaluate archeological resources and to identify potential unmarked internments within a portion of existing Farm-to-Market Road (FM) 359 right-of-way adjacent to the Wilderness Branch Baptist Church Cemetery in Fort Bend County, Texas. The land within the project footprint is anticipated to be converted into roadbed when FM 359 is expanded under control-section-job number 0543-02-075. The final design of this road widening project has not yet been determined; however, some proposed alternatives include the current project footprint, which is located adjacent to the known boundaries of the Wilderness Branch Baptist Cemetery. Anticipated depths of impacts within the current project footprint are expected to be three feet (0.9 meters) for roadway construction and up to ten feet (3.1 meters) at culvert locations. The area of potential effects (APE) consists of the 0.15-acre footprint for the project.

Since the project is sponsored by the Texas Department of Transportation and is partially funded by the Federal Highway Administration, it is subject to Section 106 of the National Historic Preservation Act as well as the Antiquities Code of Texas. Texas Antiquities Permit 8957 was obtained for the purposes of conducting survey within the current project area.

Fieldwork was conducted over the course of one field session in July 2019. Due to extensive disturbance associated with highway construction/maintenance and utility line installation, no shovel test units were excavated. A single mechanically excavated trench measuring 25.5 meters (82 feet) by 3 meters (9.8 feet) was excavated within the portion of the APE that was not currently utilized as a utility corridor.

No evidence of human internments was identified. A single Isolated Find, consisting of a Ferris brick (dating to circa 1920s) and a Texas truck license plate (dated 1962) was recorded at a depth of approximately 30–40 centimeters (11.8–15.8 inches) below the surface near the eastern terminus of trench. As Isolated Finds are not eligible for inclusion on the National Register of Historic Places, no additional investigation is required.

Due to the presence of numerous buried utility lines throughout the APE, Cox | McLain (CMEC) was only able to mechanically trench an area measuring approximately 76.5 square meters (823.4 square feet), or roughly 47 percent of the 162 square meters (1,743.8 square feet) initially proposed for excavation in the permitted research design. Should extant utility lines be abandoned or removed during the course of construction activities related to proposed road widening, CMEC recommends that all ground disturbing activities be monitored by a professional archeologist in order to identify potential human internments that could not be located during the current study. No new archeological sites were recorded and no artifacts were collected. Project records will be curated at the Center for Archeological Studies at Texas State University. The Texas Historical Commission concurred with findings and recommendations on July 25, 2019.

Management Summary

In July, an intensive survey was completed in order to inventory and evaluate archeological resources and to identify potential unmarked graves within the existing right-of-way of Farm-to-Market Road 359 adjacent to a known historic cemetery associated with Wilderness Branch Baptist Church in Fort Bend County, Texas.

The proposed investigation limits begin approximately 1,400 feet (426.7 meters) east of the intersection of Farm-to-Market Road 359 and Farm-to-Market Road 723 at the western edge of the Wilderness Branch Baptist Church property and extend east approximately 300 feet (91.4 meters) to the eastern extent of the church property. The investigation limits are bound by the existing FM 359 roadbed to the north and the church property line to the south. The land within the project footprint is anticipated to be converted into roadbed when FM 359 is expanded under control-section-job number 0543-02-075. The final design of this road widening project has not yet been determined; however, some alternatives include the current project footprint, which is located adjacent to the known limits of the Wilderness Branch Baptist historic cemetery. The archeological area of potential effects consists of the 0.15-acre footprint for the project, all of which occurs within existing Texas Department of Transportation right-of-way.

The project is owned and overseen by the Texas Department of Transportation, a political agency of the State of Texas. The project will use Federal Highway Administration funds, which makes the project subject to both the Antiquities Code of Texas and Section 106 of the National Historic Preservation Act, as amended.

The fieldwork was carried out over the course of one field session (approximately 16 person-hours or 2 person-days) under Texas Antiquities Permit #8957 by principal investigator Scotty Moore a of Cox|McLain Environmental Consulting, Inc.

Due to extensive disturbance associated with highway construction/maintenance and utility line installation in the uppermost portion of the soil column, no shovel test units were excavated. A single mechanically excavated trench measuring 25.5 meters (82 feet) by 3 meters (9.8 feet) was excavated within the portion of the project area that was not currently utilized as utility corridors. The trench was excavated to a maximum depth of 2.0 meters and a total of 153 cubic meters (5,403 cubic feet) of sediment was unearthed and examined.

Sediment encountered in the exposed trench profiles was highly mottled and disturbed within the uppermost 1 meter and (3.3 feet) and was consistent with a sequence of at least three separate disturbance events. The deepest (and oldest) zone of disturbance extended from approximately 40 to 100 centimeters (15.8 to 39.4 inches) below surface and exhibited an abrupt and irregular boundary with undisturbed Holocene-age alluvium below it. Alluvium

extended from 100 to 200 centimeters (39.4 to 78.7 inches) below the surface, which was the maximum excavated depth of the trench. It consisted of brown (7.5 YR 4/4) silt loam with a weak fine angular blocky structure; this sediment is consistent with the B'w1 and B'w2 horizons described in published soil descriptions of the Asa soil series that surrounds the project location.

No evidence for human internments was identified. A single Isolated Find, consisting of a Ferris brick (dating to circa 1920s) and a Texas license plate (dated 1962) was recorded at a depth of approximately 30–40 centimeters (11.8–15.8 inches) below the surface near the eastern terminus of the trench. These artifacts likely represent refuse that was included in road fill during construction or maintenance of Farm-to-Market Road 359. As Isolated Finds are not eligible for inclusion on the National Register of Historic Places, no additional investigation is required.

Due to the presence of numerous buried utility lines throughout the area of potential effects, Cox|McLain was only able to mechanically trench an area measuring approximately 76.5 square meters (823.4 square feet), or roughly 47 percent of the 162 square meters (1,743.8 square feet) initially proposed for excavation in the permitted research design. Should extant utility lines be abandoned or removed during the course of construction activities related to proposed road widening, Cox|McLain recommends that all ground disturbing activities be monitored by a professional archeologist in order to identify potential human internments that could not be located during the current study.

No new archeological sites were recorded and no artifacts were collected. Project records will be curated at the Center for Archeological Studies at Texas State University.

The Texas Historical Commission concurred with findings and recommendations on July 25, 2019.

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1 INTRODUCTION

Overview of the Project

The purpose of the investigation described in this document was to identify cultural resources and/or evidence of unmarked human interments within a portion of the footprint of proposed improvements to Farm-to-Market Road (FM) 359 located adjacent to the Wilderness Branch Baptist Church and the church's associated historic cemetery in Fort Bend County, Texas (**Figure 1**). The proposed investigation limits begin approximately 1,400 feet (426.7 meters) east of the intersection of FM 359 and FM 723 at the western edge of the Wilderness Branch Baptist Church property and extend east approximately 300 feet (91.4 meters) to the eastern extent of the church property. The investigation limits are bound by the existing FM 359 roadbed to the north and the church property line to the south.

The land within the project footprint is anticipated to be converted into new road facility when FM 359 is expanded under control-section-job number 0543-02-075. The final design of this road widening project has not yet been determined; however, some proposed alternatives include the current project footprint, which is located adjacent to the known limits of the Wilderness Branch Baptist historic cemetery. The archeological area of potential effects (APE) consists of approximately 0.15 acres, all of which occurs within existing Texas Department of Transportation (TxDOT) right-of-way.

Scotty Moore (Principal Investigator) of Cox|McLain Environmental Consulting, Inc. (CMEC) performed fieldwork in July 2019. Due to extensive disturbance associated with highway construction/maintenance and utility line installation, no shovel test units were excavated. A single mechanically excavated trench measuring 25.5 meters (82 feet) by 3 meters (9.8 feet) was excavated within the portion of the APE that was not currently utilized as utility corridors. The trench was excavated to a maximum depth of 2.0 meters (6.6 feet) and a total of 153 cubic meters (5,403 cubic feet) of sediment was unearthed and examined.

All work followed guidelines established by the Council of Texas Archeologists (CTA) and approved by the Texas Historical Commission (THC). The methods employed during this study and relevant constraints are discussed further in Sections 3 and 4.

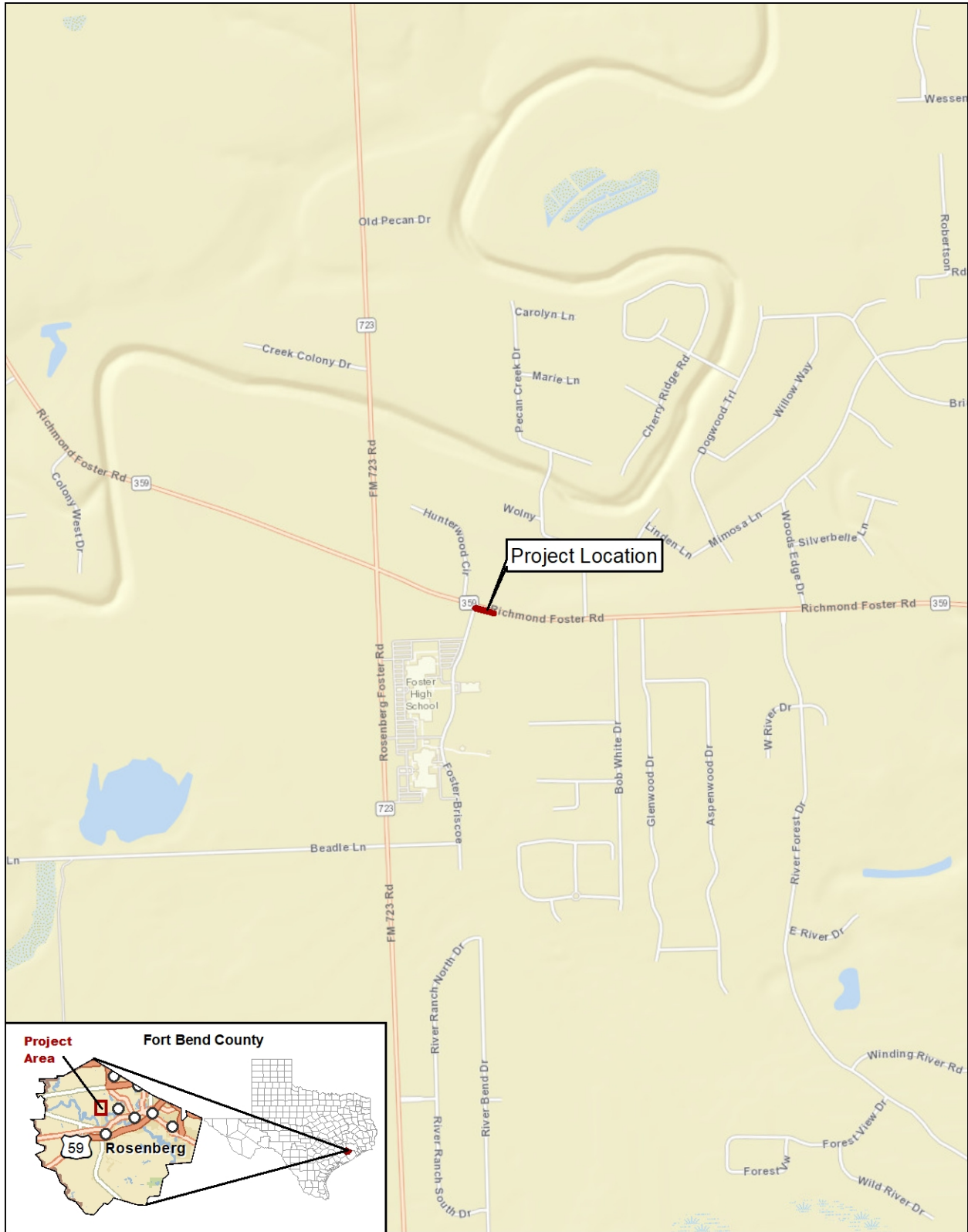


Figure 1
Project Location
 FM 359: FM 1093 to FM 359/Mason Road

Project Location/APE

CSJ: 0543-02-075

0 2,000 Feet 1 in = 2,000 feet
 0 500 Meters Scale: 1:24,000
 Date: 5/21/2019

Basemap Source: ESRI (2019)

G:\Projects\Tx\DOT_HOU\FM359_FM1093toMasonRd\Arch_Figure 1_Project Location_20190104.mxd

Regulatory Context

FM 359 is owned by TxDOT, a political agency of the State of Texas, rendering the project subject to the Antiquities Code of Texas (9 TNRC 191). Antiquities Permit #8957 was assigned to this project by the THC. The project also has a federal nexus due to funding from the Federal Highway Administration, triggering Section 106 of the NHPA, as amended (16 USC 470; 36 CFR 800).

No new archeological sites were identified, and no artifacts were collected. All other materials (notes, photographs, administrative documents, and other project data) generated from this work will be curated at the Center for Archaeological Studies (CAS) at Texas State University where they will be made permanently available to future researchers per 13 TAC 26.16-17.

Structure of the Report

Following this introduction, Section 2 presents environmental background information, a brief cultural context, and a summary of previous archeological research near the APE. Section 3 discusses research goals, relevant methods, and the underlying regulatory considerations. Section 4 presents the results of the survey and summarizes the implications of the investigations. References are in Section 5.

2 ENVIRONMENTAL AND CULTURAL CONTEXT

Topography, Geology, and Soils

The 0.15-acre APE is situated at an elevation of approximately 95 feet (29 meters) above mean sea level in Fort Bend County, Texas (**Figure 2**). The APE lies within the Floodplains and Low Terraces subregion of the Western Gulf Coastal Plain ecoregion, which is dominated by relatively flat topography and mainly grassland native vegetation (Griffith et al. 2004). More specifically, it lies on an upper terrace of the Brazos River, which currently flows approximately 2.5 miles (4.0 kilometers) to the south.

The APE is geologically underlain by Holocene-age Alluvium, which locally consists of Brazos River terrace deposits subject to flooding (U.S. Geological Survey [USGS] 2019a). According to Natural Resources Conservation Service (NRCS) data, the soils mapped in the APE fall within the Asa-Pledger Complex on 0 to 1 percent slopes. Sediments associated with this complex consist of very deep, well drained soils formed in loamy alluvium. They typically exhibit A horizons that extend to a depth of approximately 17.3 inches (44 centimeters) below surface underlain by a succession of weakly developed B horizons (Soil Survey Staff 2019).

Vegetation, Physiography, and Land Use

According to the Texas Ecological Analytical Mapper, the APE falls entirely within habitat labeled as “urban, low intensity” (Texas Parks and Wildlife Department 2019). The APE is currently covered in manicured St. Augustine grass and currently serves as a buried utility corridor and as a conduit for stormwater drainage. The boundary between the APE and the Wilderness Branch Baptist Church property to the south is dotted with ornamental oak and sycamore trees that appear to be 50 to 100 years in age.

Archeological Chronology for Southeast Texas

The APE lies within the Southeast Texas archeological region (Kenmotsu and Perttula 1993; Patterson 1995; Perttula 2004; Story et al. 1990), which has a cultural history extending back at least 12,000 years. Human occupation of the area during this time is divided into four broad periods: Paleoindian, Archaic, Late Prehistoric, and Historic. The periods are based on a proposed sequence of economic/subsistence strategies identified in the archeological and historical records. These proposed shifts in dominant lifeways consider cultural, economic, and technological factors in order to provide a model useful for attempting to understand ancient and early historic populations. The dates assigned to the period interfaces represent a generalized time range but are based on scientific results from archeological research. The dates presented in **Table 1** are derived from Perttula (2004).

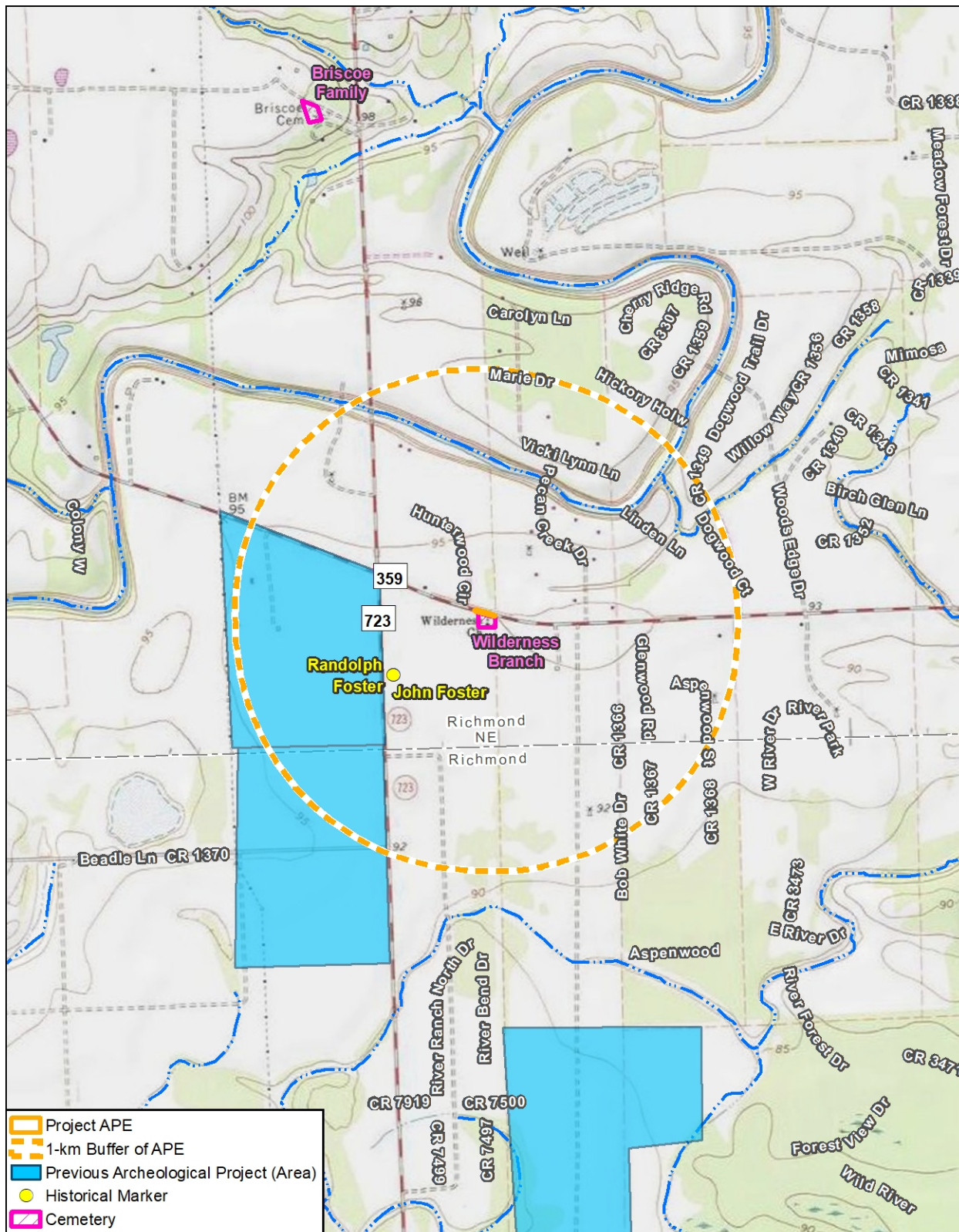


Figure 2

Location of Archeological APE
FM 359: FM 1093 to FM 359/Mason Road

Data Sources: THC (2018), TARL (2018), NHD (2018)
 Topographic Source: USGS Richmond NE (1980) and
 Richmond (1980) 7.5' Quadrangles

	CSJ: 0543-02-075	
		1 in = 2,000 feet Scale: 1:24,000 Date: 5/21/2019

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Table 1: Archeological Chronology for Southeast Texas

Period	Years Before Present*
Paleoindian	
Early	11,500–10,000 B.P.
Late	10,000–8,000 B.P.
Archaic	
Early	8,000–6,000 B.P.
Middle	6,000–3,500 B.P.
Late	3,500–2,200 B.P.
Tchula	2,200–2,000 B.P.
Ceramic	
Early	2,000–1,200 B.P.
Late Prehistoric	1,200–270 B.P.
Protohistoric	270 B.P.–190 B.P.
Historic	Post 190 B.P.

Source: Perttula 2004: 9, Table 1.1
 *Based on uncalibrated radiocarbon dates, which are typical in Texas archeology (see Perttula 2004:14, Note 1).

These phases of human occupation are summarized below; for a more detailed discussion regarding the prehistoric record, the reader is referred to Aten (1983), Patterson (1995), and Story et al. (1990), among others.

Paleoindian Period

The Paleoindian period represents the earliest known occupation in southeast Texas. During this period, people relied on megafauna (predominantly mammoth and *Bison antiquus*) as well as broader-based hunting and gathering for their subsistence needs (Perttula 2004). Paleoindian artifacts included distinctive lanceolate projectile points, side scrapers, end scrapers, gravers, modified flake tools, and drills. These tools are sometimes found associated with the remains of extinct megafauna species. Typically, Paleoindian sites in the region are located near relict streambeds or along small rises and ridges. These sites are usually ephemeral, however, and may be difficult to recognize. Differences in topographic settings and artifact and faunal assemblages have led archaeologists to interpret Paleoindian sites in terms of function classes, based on the activities inferred to have taken place there. Typical site types of this period include campsites, kill sites, processing sites, and quarry sites. During the Paleoindian period, the climate was vastly different than it is today—it has changed continuously over the last several thousand years. During the earlier phases, the environment was wetter and cooler. Throughout the course of the Paleoindian period, the climate became increasingly arid and exhibited greater seasonal variation.

These conditions resulted in shifting vegetation patterns and faunal extinctions, which, in turn, affected Paleoindian subsistence strategies, settlement patterns, and lithic technologies.

Archaic Period

Usually divided into three more or less equal parts, the Archaic Period encompasses the bulk of southeast Texas prehistory. The Archaic record is confounded by mixed deposits (Hofman et al. 1989) and possible large-scale erosion that removed evidence of cultural activities during the middle of the period. Still, the available data show that Archaic peoples were more likely than their predecessors to make projectile points and other stone tools out of local raw materials, potentially indicating more spatially restricted territories and/or subsistence areas, perhaps reflecting seasonal rounds through a specific series of resource-gathering zones (Ferring and Yates 1997). Generally, population is thought to have increased throughout later stages of the Archaic Period, perhaps in response to stabilizing climatic conditions.

Tchula Phase

The end of the Archaic Period was characterized by the development of increased sedentism and a reduced focus on long-distance trade. Tchula-period populations were still primarily hunter-gatherers who occupied coastal areas and lowlands, usually near slow-moving streams throughout southeastern Texas and southern Louisiana (Neuman 1993). Tchula settlement distributions do not seem to be dense in Texas, however, as their cultural centers (notably the site of Tchefuncte) seem to have been more focused to southeastern Louisiana.

Ceramic

Ceramic artifacts appear in the archeological record of the Galveston Bay area by approximately A.D. 100, and by A.D. 500 had been adopted by a number of inland populations (Perttula et al. 1995). A plain, sand-tempered type of ceramic identified as Goose Creek became prevalent during the period, although a number of decorated varieties and tempering materials were also present (Patterson 1995; Perttula et al. 1995). The appearance of Caddoan pottery in southeast Texas around A.D. 1000–1300 has been used to suggest the presence of extended trade networks or migration during this time (Aten 1983). The period has also been associated with the introduction of the bow and arrow around A.D. 600 (Aten 1983).

Late Prehistoric Period

Beginning sometime between A.D. 600 and 900 and continuing to as late as A.D. 1550, the archeological record of southeastern Texas reflects increasing regional and interregional variability. Settlement patterns suggest an increase in sedentary villages and ceremonial centers. Social-cultural features included an established social hierarchy and widespread long-distance trade (Perttula et al. 1995).

Protohistoric Period

The beginning of the Protohistoric Period is marked by the first appearance of Europeans in Texas with the ill-fated Narvaez expedition that, in 1528, deposited Cabeza de Vaca onto the Texas coastline (possibly on Galveston Island). More long-term contacts resulting from Spanish settlement did not directly impact aboriginal lifeways in the same manner seen with the high-profile early Spanish occupations in south and south-central Texas (Campbell 2003). Even without the missions, military outposts, and other facilities characteristic of the Spanish presence to the south, the effects of trade, disease, and other factors on native populations were still dramatic, and indigenous groups of the Protohistoric Period are little known apart from sporadic finds of European trade goods at native sites (Stephenson 1970).

Historic

The last two centuries saw the immigration of substantial populations who displaced earlier groups and extensively documented their lives, thus creating what is commonly referred to as the Historic Period. In brief, the landscape and material culture of southeast Texas during this time are characterized by the overwhelming dominance of European-derived populations, the expansion of agriculture/ranching activities, the discovery and exploitation of petroleum resources, the supplanting of small tenant farming by mechanized agriculture and urban sprawl, and various waves of commercial and industrial development. The most recent example of development is the rise of the service and information economies (Campbell 2003).

Fort Bend County

Anglo-American settlement of what is now Fort Bend County began in the early 1820s under the auspices of the Spanish government (Ott 2010). The first settlement, alternatively referred to as Fort Settlement or Fort Bend, was established in 1822 on the banks of the Brazos River some 90 miles (145 kilometers) from its mouth. Initially settlers engaged in minor skirmishes with bands of Karankawa, but as the Anglo-American population increased, native groups began moving out of the area and were completely gone by the 1850s. The county was formally established in 1837 and a year later the citizens voted to establish the newly formed community of Richmond as the county seat. Richmond quickly grew as a trade center through which river boats transported cotton and other agricultural products down the Brazos River towards Galveston. Due to the predominantly agricultural nature of the county's economy, it was one of only six counties in the state with an African-majority population prior to the Civil War; in fact, census records report that in 1860 African slaves outnumbered whites more than two to one. Following the war, simmering hostility between wealthy local landowners and non-local Republican politicians culminated in the "Jaybird-Woodpecker War" of 1889, a series of armed battles fought to control Richmond that left dozens of casualties and resulted in local Democratic control of the county (Yelderman 2010).

In the twentieth century, traditional agricultural and ranching activities gave way first to oil and gas development and later to suburban expansion from Houston to the northeast. In 2019, the estimated population of the county is approximately 766,000 (Ott 2010).

Previous Investigations and Previously Identified Resources

A search of the *Texas Archeological Sites Atlas* (Atlas) maintained by the THC and the Texas Archeological Research Laboratory (TARL) was conducted in order to identify archeological sites, historical markers, Recorded Texas Historic Landmarks (RTHLs), properties or districts listed on the National Register of Historic Places (NRHP), State Antiquities Landmarks (SALs), cemeteries, or other cultural resources that may have been previously recorded in or near the APE (e.g., within 1 kilometer [0.6 miles]), as well as previous surveys undertaken in the area (see **Figure 2**).

According to the Atlas, one survey has previously been conducted within 1 kilometer of the APE: an areal survey sponsored by the Environmental Protection Agency that was conducted in 1987 (see **Figure 2**). The Atlas depicts this survey in two overlapping locations to the west of the APE; no further information regarding the survey is available (THC 2019).

No archeological sites have been recorded within the APE or within 1 kilometer of it, but two historical markers and one cemetery are present. The historical markers, both located to the southwest of the APE, are for John and Randolph Foster, a father and son who became two of Stephen F. Austin's "Old Three Hundred" colonists. The markers are located on the grounds of the nearby John and Randolph Foster High School (THC 2019).

The Wilderness Branch Baptist Cemetery (FB-C136) is located south-adjacent to the APE and is the most relevant known cultural resource to the current study (see **Figure 2**). The cemetery covers approximately 0.89 acres located immediately within the property boundary between the Wilderness Branch Baptist Church and the FM 359 right-of-way and consists of three internments dating between 1951 and 1982 (Tipton 2019). Although no other internments are known, it is possible that unmarked graves exist in the surrounding area as the associated Wilderness Branch Baptist Church was founded in 1904 (Scott Willey, personal communication, 2019).

A review of available historic aerials and topographic maps on Google Earth™, the USGS Historical Topographic Viewer, and the Nationwide Environmental Title Research (NETR) online database was also undertaken to determine how the corridor has been utilized over time. The earliest aerial available for the area, produced in 1953, shows that the Wilderness Branch Baptist Church was present at this time. Beyond the property line of the church (demarcated by a tree line), the surrounding area consisted entirely of agricultural fields and two associated farmsteads. The FM 359 roadway is also evident in this imagery. Subsequent

aerials (1970, 1995, 2002, 2004, 2008, 2010, 2012, and 2014) show little change in the area until 2002 when John and Randolph Foster High School is first evident to the west and south (NETR 2019). The earliest topographic map (1950) is at too coarse of a scale to resolve any relevant details; however, the 1955 Richmond topographic map (1:62,500 scale) clearly depicts the Wilderness Branch Baptist Church and the FM 359 roadway. Subsequent topographic maps mirror the changes observed in aerial imagery (USGS 2019b).

Finally, a review of the Houston Potential Archeological Liability Maps (PALM) revealed that the project area falls entirely within Map Unit 1, where surface survey is recommended, and deep reconnaissance is recommended if deep impacts are anticipated (**Figure 3**; Abbott 2001).

Known and perceived disturbances in the APE include those associated with road construction and maintenance as well as drainage ditches and overhead and underground utility installation.



Project APE

Houston PALM

1-Surface Survey Recommended. Deep Reconnaissance Recommended if Deep Impacts are Anticipated

3-No Surface Survey Recommended. Deep Reconnaissance Recommended if Deep Impacts are Anticipated

Figure 3
PALM Map
FM 359: FM 1093 to FM 359/Mason Road

Data Source: TxDOT (2016)
 Aerial Source: Google (2018)

CSJ: 0543-02-075

0 500 Feet 1 in = 500 feet
 0 150 Meters Scale: 1:8,000
 Date: 5/21/2019

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3 RESEARCH GOALS AND METHODS

Purpose of the Research

The present study was carried out to accomplish four major goals:

1. To identify all historic and prehistoric archeological resources located within the APE defined in chapter 1;
2. To identify evidence for potential unmarked graves that exist with the APE outside of the current establish boundaries of the Wilderness Baptist Church cemetery;
3. To perform a preliminary evaluation of the identified resources' potential for inclusion in the NRHP and/or for designation as a SAL (typically performed concurrently); and
4. To make recommendations about the need for further research concerning the identified resources based on the preliminary NRHP/SAL evaluation, with guidance on methodology and ethics from the THC and CTA.

Section 106 of the National Historic Preservation Act

Section 106 of the NHPA of 1966, as amended (16 USC 470; 36 CFR 800), directs federal agencies and entities using federal funds to “take into account the effects of their undertakings on historic properties” (36 CFR 800.1a). The CFR defines “historic property” as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places [NRHP] maintained by the Secretary of the Interior” (36 CFR 800.16).

In order to determine the presence of historic properties (with this phrase understood in its broad Section 106 sense), an APE is first delineated. The APE is the area in which direct impacts (and in a federal context, indirect impacts as well) to historic properties may occur. Within the APE, resources are evaluated to determine whether they are eligible for inclusion in the NRHP, and to determine the presence of any properties that are already listed on the NRHP. To determine whether a property is significant, cultural resource professionals and regulators evaluate the resource using these criteria:

- ...The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, material, workmanship, feeling, and association and
- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. that are associated with the lives of persons significant in our past; or

- c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

Note that significance and NRHP eligibility are determined by two primary components: integrity *and* at least one of the four types of association and data potential listed under 36 CFR 60.4(a-d). The criterion most often applied to archeological sites is the last—and arguably the broadest—of the four; its phrasing allows regulators to consider a broad range of research questions and analytical techniques that may be relevant to the specific resource (36 CFR 60.4[d]).

Occasionally, certain resources fall into categories which require further evaluation using one or more of the following Criteria Considerations. If a resource is identified and falls into one of these categories, the Criteria Considerations listed below may be applied in conjunction with one or more of the four National Register criteria listed above:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance, or
- b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event, or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life, or
- d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events, or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived, or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance, or
- g. A property achieving significance within the past 50 years if it is of exceptional importance (36 CFR 60.4).

Resources listed in the NRHP or recommended eligible for the NRHP are treated the same under Section 106; they are generally treated the same at the state level as well.

After cultural resources within the APE are identified and evaluated, effects evaluations are completed to determine whether the proposed project has no effect, no adverse effect, or an adverse effect on the resources. Effects are evaluated by assessing the impacts that the proposed project will have on the characteristics that make the property eligible for listing in the NRHP and on its integrity. Types of potential adverse effects considered include physical impacts, such as the destruction of all or part of a resource; property acquisitions that adversely impact the historic setting of a resource, even if built resources are not directly impacted; noise and vibration impacts evaluated according to accepted professional standards; changes to significant viewsheds; and cumulative effects that may occur later in time. If the project will have an adverse effect on cultural resources, measures can be taken to avoid, minimize, or mitigate this adverse effect. In some instances, changes to the proposed project can be made to avoid adverse effects. In other cases, adverse effects may be unavoidable, and mitigation to compensate for these impacts will be proposed and agreed upon by consulting parties.

Antiquities Code of Texas

Because the project is currently owned and funded by TxDOT Houston District, a political subdivision of the State of Texas, the project is subject to the Antiquities Code of Texas (9 TNRC 191), which requires consideration of effects on properties designated as—or eligible to be designated as—SALs, which are defined as:

... sites, objects, buildings, structures and historic shipwrecks, and locations of historical, archeological, educational, or scientific interest including, but not limited to, prehistoric American Indian or aboriginal campsites, dwellings, and habitation sites, aboriginal paintings, petroglyphs, and other marks or carvings on rock or elsewhere which pertain to early American Indian or other archeological sites of every character, treasure imbedded in the earth, sunken or abandoned ships and wrecks of the sea or any part of their contents, maps, records, documents, books, artifacts, and implements of culture in any way related to the inhabitants, prehistory, history, government, or culture in, on, or under any of the lands of the State of Texas, including the tidelands, submerged land, and the bed of the sea within the jurisdiction of the State of Texas. (13 TAC 26.2)

Rules of practice and procedures for the evaluation of cultural resources as SALs and/or for listing on the NRHP, which is also explicitly referenced at the state level, are detailed at 13 TAC 26. An archeological site identified on lands owned or controlled by the State of Texas may be of sufficient significance to allow designation as a SAL if at least one of the following criteria applies:

1. the site has the potential to contribute to a better understanding of the prehistory and/or history of Texas by the addition of new and important information;

2. the site's archeological deposits and the artifacts within the site are preserved and intact, thereby supporting the research potential or preservation interests of the site;
3. the site possesses unique or rare attributes concerning Texas prehistory and/or history;
4. the study of the site offers the opportunity to test theories and methods of preservation, thereby contributing to new scientific knowledge;
5. there is a high likelihood that vandalism and relic collecting has occurred or could occur, and official landmark designation is needed to ensure maximum legal protection, or alternatively, further investigations are needed to mitigate the effects of vandalism and relic collecting when the site cannot be protected. (13 TAC 26.10)

For archeological resources, the state-level process requires securing a valid Texas Antiquities Permit from the THC, the lead state agency for Antiquities Code compliance. This permit must be maintained throughout all stages of investigation, analysis, and reporting.

Survey Methods and Protocols

CMEC conducted an intensive survey via mechanical scraping under 13 TAC 26.14 using the definitions in 13 TAC 26.3. Field methods and strategies complied with the requirements of 13 TAC 26.20, as elaborated by the THC and the Council of Texas Archeologists (CTA). Field methods were also developed in order to fulfill TxDOT's commitment to employ appropriate, minimally destructive methods to identify additional burials in adjacent areas and a commitment to take appropriate action to protect all identified burials from disturbance.

Since the APE falls within existing right-of-way and sediments with the uppermost meter have likely been disturbed by construction and maintenance activities associated with FM 359, no shovel testing was proposed. Nevertheless, the probability of encountering human remains was considered moderate to high due to the proximity of the Wilderness Branch Baptist Cemetery. Although the expected depth of impacts associated with roadway widening is three feet, it was possible that unmarked historical graves might be present at or near this depth due to several factors, including shallow burial and overburden removal associated with roadway construction. Since no written or oral history related to internments outside of the marked burials within the cemetery was available, mechanical scraping or trenching was utilized to identify cemetery boundaries and/or isolated graves within the current right-of-way, which extends approximately 23 feet (7 meters) wide from the edge of the current pavement (**Figure 4**).

In the initial permit application, CMEC proposed to scrape approximately 0.04 acres (162 square meters or roughly 27 percent of the total APE) across four locations positioned on either side of the paved entrance to the Wilderness Branch Baptist Church and to the north and south of an existing drainage ditch that bisects the APE. However, due to the ubiquitous

presence of buried fiber optic and telephone lines throughout the APE, CMEC reduced the scraped area to approximately 76.5 square meters (823.4 square feet, or roughly 0.13 percent of the APE; see **Figure 4**).

The trench was excavated to depths at which the presence/absence and integrity of buried internments or associated material culture (e.g. coffin hardware, wood, clothing, etc.) could be accurately assessed, which in this case was 180–200 centimeters (70.9–78.7 inches) below surface. All mechanical excavations were performed under the supervision of archeologists who examined profiles, trench floors, and backdirt for the presence of cultural materials and features. The scraping/trenching progressed in 3.9-inch (10-centimeter) depth increments, with a sample from each increment screened through 0.25-inch (0.635-centimeter) hardware cloth. A 3-foot-wide (0.91-meter-wide) bucket equipped with a flat/toothless “clean-out bucket” was utilized for all scrapings. Deposits were described using conventional texture classifications and Munsell color designations. Had burials been found, their locations would have been recorded with a hand-held GPS unit and immediately covered, TxDOT and Fort Bend County would have been notified, and all requirements of 8 THSC 711 would have been followed.

CMEC personnel kept a complete record of field notes with observations including (but not limited to) cultural materials, contextual integrity, estimated time periods of occupations, vegetation, topography, hydrology, land use, soil exposures, general conditions at the time of the survey, and field techniques employed. The field notes are supplemented by digital photographs. No artifacts were collected during the project.

Reporting and Curation

Following TxDOT review and edits, one hard copy of the draft report will be submitted to TxDOT for review by the THC. Comments on the draft report will be incorporated into a final version to be submitted to TxDOT and THC. Per 13 TAC 26.16, the final permit closure submittal will include a transmittal letter, abstract form, project area shapefile, tagged PDF files of the report in both restricted (with site locations) and public (without site locations) versions, as applicable.

Upon completion of the fieldwork and reporting, CMEC will make all materials and forms generated by this project available to future researchers through curation at the Center for Archaeological Studies (CAS) at Texas State University in San Marcos, Texas per 13 TAC 26.16 and 26.17. A curation form filed at both CAS and THC will accompany the collections.

Following curation of all project records, this permit will be closed (assuming all work products and submittals meet THC/CTA requirements).



	Project APE
	Wilderness Branch Baptist Church
	Trench 1
Survey Points	
	Isolated Find #01
	Marked grave

Figure 4
Survey Results

FM 359: FM 1093 to FM 359/Mason Road

Data Source: CMEC (2019), TxDOT (2016)
 Aerial Source: Google (2017)

	CSJ: 0543-02-075	
0	100 Feet	1 in = 100 feet
0	30 Meters	Scale: 1:1,200
		Date: 7/16/2019

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4 RESULTS AND RECOMMENDATIONS

General Field Observations and Results

Prior to the commencement of fieldwork, active utilities within the APE were identified and marked. This process revealed that approximately 65 percent of the APE was crossed by active utilities (**Figures 5** and **6**). Existing grave markers within the Wilderness Baptist Church Cemetery were also located for reference (see **Figures 4** and **7**).

Fieldwork was conducted over the course of one 8-hour field session in July 2019. Field conditions during the survey were very hot (high temperature of 98 degrees Fahrenheit) and humid. No logistical problems were encountered during the project.

Ground surface visibility throughout the APE was very low (0–10 percent) due to pervasive, dense St. Augustine grass throughout (see **Figures 5** and **6**). Since it is used for stormwater drainage, the ground surface of the APE slopes from either edge towards the center at an approximate 19.4 percent grade (11-degree slope).

Only the northwestern portion of the APE was free of buried utility lines and therefore, it was here that mechanical trenching was focused (see **Figure 4**). A single east-west trending trench measuring 25.5 meters (82 feet) by 3 meters (9.8 feet) was excavated to depths between 180 and 200 centimeters (70.9 and 78.7 inches), or the depth at which it could be conclusively determined that no historic graves were present (**Figure 8**). The trench was positioned approximately 18.5 meters (60.7 feet) north of the existing grave markers within the Wilderness Branch Baptist Church cemetery (see **Figure 4**). A total of 153 cubic meters (5,403 cubic feet) of sediment was unearthed and examined.

Sediment encountered within the trenching location was highly mottled and disturbed within the uppermost 1 meter (3.3 feet) and indicated a sequence of at least three separate disturbance events (**Figures 9** and **10**). The deepest (and oldest) zone of disturbance extended from approximately 40 to 100 centimeters (15.8 to 39.4 inches) below surface and exhibited an abrupt and irregular boundary with undisturbed Holocene-age alluvium below it. Alluvium extended from 100 to 200 centimeters (39.4 to 78.7 inches) below the surface, which was the maximum excavated depth of the trench. It consisted of brown (7.5 YR 4/4) silt loam with a weak fine angular blocky structure; this sediment is consistent with the B'w1 and B'w2 horizons described in published soil descriptions of the Asa soil series which surrounds the project location (Soil Series Staff 2019). A complete description of sediments exposed by trench excavation is presented in **Table 2**.



Figure 5. View APE prior to excavation; facing east.



Figure 6. View of APE prior to excavation, facing west. Note ubiquity of buried utilities within the APE. The location of marked graves within the Wilderness Branch Baptist Church Cemetery is circled in red.



Figure 7. Existing grave markers located outside of APE within Wilderness Baptist Church Cemetery, facing west.



Figure 8. View of excavated trench, facing east.

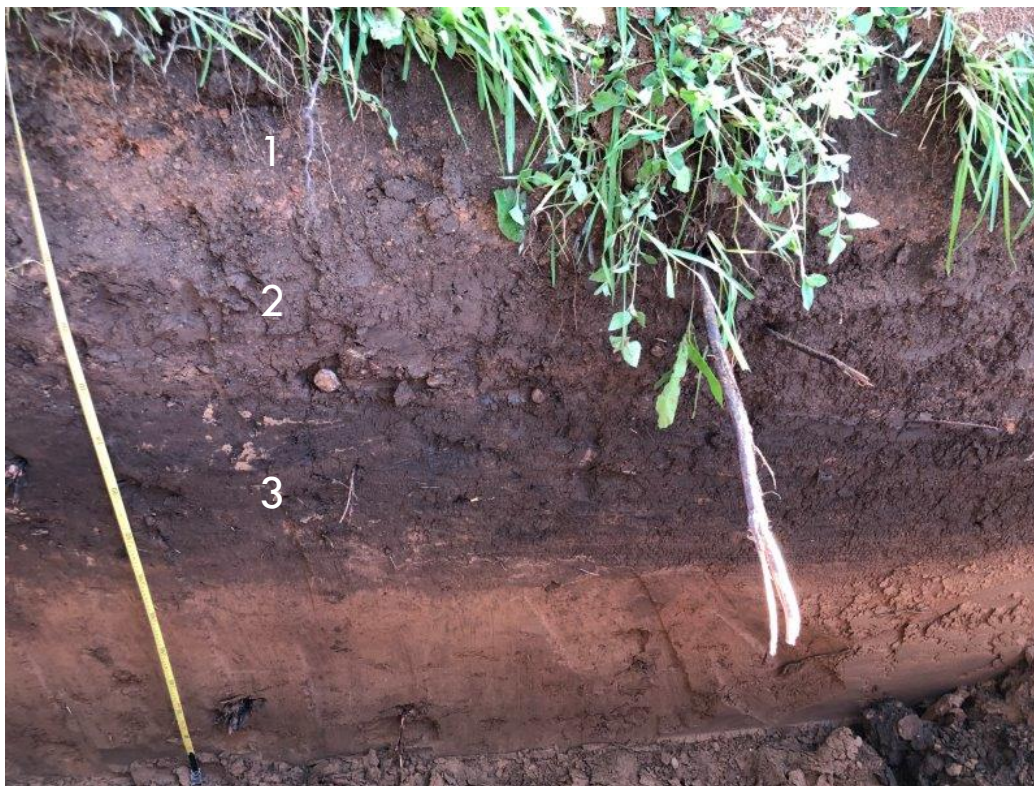


Figure 9. North wall profile near center of trench, facing north. Numbers denote discreet zones of disturbed sediment.



Figure 10. South wall profile near eastern terminus of trench, facing south.

Table 2. Backhoe Trench Excavation Results

Trench # and Length	Depth (cmbs*)	Description/Notes	Artifacts
1 25.5 m long; East/West Orientation	0-5	Very dark gray (10YR 3/1) sandy loam; many roots and rootlets; 10-20 percent gravels; subangular blocky structure; straight abrupt boundary.	Modern refuse
	5-25	Very dark grayish brown (10YR 4/2) clay loam with 30 percent brownish yellow (10YR 6/6) clay loam; many rootlets; 5-10 percent gravels; massive structure; irregular abrupt boundary.	None
	25-40	Very dark gray (10YR 3/1) clay loam with 10 percent brown (10YR 4/4) clay; subangular blocky to weakly prismatic structure; irregular gradual boundary.	Isolated Find 01
	40-100	Very dark grayish brown (10YR 3/2) clay; massive structure; irregular abrupt boundary.	None
	100-200	Strong brown (7.5YR 4/6) silt loam; angular blocky structure; less than 5 percent gravels.	None

* Centimeters below surface

Material Culture

No evidence for unmarked burials (e.g., coffin hardware, burial shafts, human remains, etc.) was identified within the excavated trench. The uppermost 10 centimeters (3.9 inches) of trench sediments contained extensive evidence of modern refuse, including bottle glass, asphalt fragments, rubber fragments, and unidentified metal fragments. These materials were noted but were not otherwise documented.

Isolated Find #1

A single isolated find consisting of two historic artifacts was identified in back dirt removed from approximately 30–40 centimeters below the surface approximately 5 meters (16.4 feet) west of the eastern terminus of the trench (see **Figure 4**). The approximate depth from which the artifacts were recovered is consistent with the transitional zone between what appear to be two disturbance events. The two artifacts include a brick measuring 8 x 3 7/8 x 2 1/4 inches with the word “FERRIS” incised into one surface (**Figure 11**) and a Texas truck license plate with the number 2F*2189 stamped on its surface (**Figure 12**). Based upon the nature of its markings, the brick was produced by the Ferris Brick Company in the 1920s (Steinbomer 1982). The license plate has a date stamp of “62” in the upper right corner, indicating a production date of 1962. Although removed from the same location within the trench, there is no way to conclusively relate these artifacts, especially given the 30+ year time difference

between them. These artifacts likely represent refuse that was included in road fill during construction or renovation of FM 359.



Figure 11. Ferris Brick recovered from Isolated Find 01



Figure 12. Texas truck license plate 2F*2189 recovered from Isolated Find 01

Conclusion and Recommendations

In accordance with 36 CFR 800.4, CMEC archeologists made a reasonable and good faith effort to evaluate the potential for the proposed undertaking to affect archeological historic properties (36 CFR 800.16.(1)) or State Archeological Landmarks (13 TAC 26.12).

Results of the intensive survey revealed that the upper 1 meter (3.3 feet) of sediment within the APE has been extensively disturbed by activities related to roadway construction and maintenance as well as utility installation. Sediment below that depth is consistent with published soil descriptions for the area and appears to be intact. No evidence of unmarked human internments were identified within any portion of the excavated trench.

The single Isolated Find is, by definition, ineligible for inclusion on the NRHP; as a result, no further investigation is recommended. The artifacts associated with it were photographed, documented, and returned to their original context.

Since no artifacts were collected, only project records will need to be curated per 13 TAC 26.16 and 26.17. Project records will be curated at the CAS at Texas State University where they will be made permanently available to future researchers.

No evidence was found of preserved deposits with a high degree of integrity, associations with distinctive architectural and material culture styles, rare materials and assemblages, the potential to yield data important to the study of preservation techniques and the past in general, or potential attractiveness to relic hunters (13 TAC 26.10; 36 CFR 60.4).

However, approximately 53 percent of the project area could not be investigated due to the presence of buried utility lines. Should those utility lines be abandoned or removed during the course of construction activities related to proposed road widening, CMEC recommends that all ground disturbing activities be monitored by a professional archeologist in order to identify potential human internments that could not be located during the current study.

If any unanticipated cultural materials or deposits are found at any stage of clearing, preparation, or construction, the work should cease in that area and TxDOT personnel should be notified immediately. During evaluation of any unanticipated finds and coordination between TxDOT and THC, clearing, preparation, and/or construction could continue in any other areas along the corridor where no such deposits or materials are observed.

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Appendix A
Regulatory Correspondence



July 25, 2019

RE: CSJ: 0543-02-075; FM 359, Freeway Operational Improvements, Fort Bend County, Houston District; Section 106 Consultation and Antiquities Code Coordination; Texas Antiquities Permit No. 8957.

Ms. Pat Mercado-Allinger
Division of Archeology, Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Ms. Mercado-Allinger:

As required by the Programmatic Agreement and the Memorandum of Understanding with your agency, we are initiating consultation on this project. Environmental studies are in the process of being conducted for this project. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014 and executed by FHWA and TxDOT. We have enclosed for your review a draft report of archeological investigations for this undertaking.

Undertaking Description

The proposed project will be undertaken with federal funds and will occur in part or in whole on non-federal public lands. TxDOT is proposing to increase capacity on FM 359. The proposed project would widen FM 359 from two lanes to a four lane divided roadway. The final design of this road widening project has not yet been determined. However, several of the proposed alternatives include the 0.15-acre area investigated in the attached report, which is located adjacent to the known limits of the Wilderness Branch Baptist historic cemetery. The investigation area is entirely existing State right of way, which will be converted into roadbed when FM 359 is expanded.

Area of Potential Effects

The project's area of potential effects (APE) is currently undefined. However, the present survey area is incorporated into the proposed APE on multiple design alternatives and comprises the following area:

- The survey limits extend from 1400 feet (426.7 meters) east of the FM 359 / FM 723 intersection to 1100 feet (335.3 meters) east of the FM 359 / FM 723

intersection along FM 359. The length of the investigation area is thus 300 feet (91.4 meters), and includes only currently existing ROW within these limits.

- Existing ROW within the current investigation area comprises approximately 0.15 acre.
- The investigation area includes no existing easements.
- The investigation area includes no new right of way.
- The investigation area includes no new easements.
- Proposed project impacts within the current investigation area would require no additional project specific locations and/or utility installations specified by the project sponsor.
- The estimated depth of impacts for the full roadway project has not been determined at this time, although impacts within the current investigation area are expected to include a maximum depth of five (5) feet.
- The investigation area is further detailed and illustrated in the attached report.

Identification Efforts

For this project, TxDOT has conducted a survey. The enclosed report of investigations has more details regarding this work. The following bullets summarize the identification efforts.

- The investigations reported here concern a potential portion of the project's ultimate APE. The survey's findings are meant to inform TxDOT's roadway design decisions, which will serve as the basis for determining the project's final APE.
- Archeologists undertook a survey. For this survey,
 - No portion of the investigation area had been previously surveyed or otherwise evaluated for this project;
 - No portion of the investigation area was identified as not requiring field survey, due to existing conditions of the setting identified through background research and described in the attached report;
 - Approximately 0.07 acre was surveyed and described in the attached report;
 - Approximately 0.08 acre was not surveyed due to buried utility disturbance, and would require archeological monitoring if those utility lines are abandoned or removed during construction;
 - The current survey identified no archeological sites or cemetery resources.

Effects Determination

The proposed project would have direct effects resulting from ground-disturbing construction activities within the APE. Given the results of the identification efforts, TxDOT proposes that the project will have no effect on archeological historic properties, as survey of the APE did not discover any archeological sites. The next section identifies the steps recommended by TxDOT based on the results of the identification efforts and this effects analysis.

Recommendations

OUR GOALS

MAINTAIN A SAFE SYSTEM • ADDRESS CONGESTION • CONNECT TEXAS COMMUNITIES • BEST IN CLASS STATE AGENCY

An Equal Opportunity Employer

TxDOT seeks your concurrence on the following points:

- The identification efforts and analysis of effects completed to date are adequate.
- No further work or consultation is required within the evaluated portions of the APE.
- Once development of the project's scope and definition of the APE are complete, TxDOT will complete required investigations and consultation prior to construction.
- The attached draft report meets the reporting requirements of the Texas Antiquities Permit issued for the investigation.

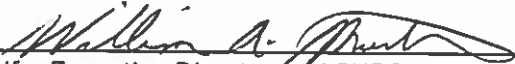
Thank you for your consideration of this matter. If you have any questions or have need of further information, please contact me at 713-802-5804.

Sincerely,



Jason W. Barrett, Ph.D.
Archeological Studies Branch
Environmental Affairs Division

Cc w/o attachments: ECOS Scan

Concurrence By:	
	7/25/19
for: Mark Wolfe, Executive Director and SHPO Texas Historical Commission	Date

**DRAFT REPORT
ACCEPTABLE**

by Miller A. Moore
for Mark Wolfe
Executive Director, THC
Date 3/25/15
Track# _____



Archeological Survey Report

Archeological Scraping on FM 359 Adjacent to
Wilderness Branch Baptist Church, Fort Bend County

Houston District

CSJs: 0543-02-075

ACT Permit# 8957

Principal Investigator: Scotty Moore, MA, RPA
Cox|McLain Environmental Consulting, Inc.

July 2019

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT