

TEXAS HISTORICAL COMMISSION
real places telling real stories

June 6, 2013

Mr. Hal Barker
9191 Garland Road 1126
Dallas, TX 75218

RE: Texas Public Information Act Request—Texas Antiquities Permit #4481

Dear Mr. Barker:

This letter in response to the Texas Public Information Act electronic request you made on May 22, 2013 for a copy of records relating to Texas Antiquities Code permit (#4481) issued to GMI for the Horse Park project investigations in Dallas, Texas. We have redacted portions of the materials that in visual or text format provide locational information. This redaction is done in accordance with the Texas Government Code, Sec. 442.007 (e), which states that “the state archeologist shall withhold from disclosure to the public information relating to the location or character of archeological or historic resources if the state archeologist determines that the disclosure of the information may create a substantial risk of harm, theft, or destruction to the resources or to the area or place where the resources are located.”

According to agency policy, we do not charge for photocopying fewer than 100 pages. We trust this will, in part, satisfy your request. Please contact us if you need further assistance.

Sincerely,



Patricia A. Mercado-Allinger
Archeology Division Director and State Archeologist

Enclosures



TEXAS HISTORICAL COMMISSION
real places telling real stories

June 6, 2013

Mr. Hal Barker
9191 Garland Road 1126
Dallas, TX 75218
hbarker_2011@yahoo.com

Re: Record Request Received and Sent to Attorney General for Decision

Dear Mr. Barker:

The Texas Historical Commission Texas (the Commission) received your record request on May 22, 2013.

At this time the Commission has sent you a redacted copy of the record requested (relating to Texas Antiquities Permit #4481) and wishes to withhold specific portions of the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure. A copy of the Commission's initial request is attached for your review, and a subsequent explanatory request will follow in five business days. The Attorney General will also copy you on their decision.

Sincerely,



Patricia A. Mercado-Allinger
Archeology Division Director and State Archeologist
Texas Historical Commission

Enclosure



TEXAS HISTORICAL COMMISSION
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Via Hand-Delivery

June 6, 2013

Ms. Amanda Crawford
Chief, Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711

Re: Public Information Act Request from Hal Barker received on May 22, 2013

Dear Ms. Crawford:

On behalf of the Texas Historical Commission (the Commission), I am asking for an opinion of the Attorney General as to the confidentiality of certain documents relevant to the record request from Hal Barker, a copy of which is attached to this letter. Related to this request is the matter of a draft report on file with this office. We have sent a third-party notification to GMI, the firm that produced and submitted the draft report. A copy of this letter is enclosed.

The request was received by the Commission on May 22, 2013. Today is the tenth working day after the receipt of the request (because May 27 was a holiday).

The Commission contends that some or all of the responsive documents may be exempt from disclosure as provided by Texas Government Code §§ 442.007(e) and 552.101-153.

The responsive documents and specific arguments concerning whether all or part of them are exempt from disclosure will be provided to you within five working days of the date of this letter.

Sincerely,



Patricia A. Mercado-Allinger
Archeology Division Director and State Archeologist
Texas Historical Commission

Enclosure

cc: Hal Barker (via email to hbarker_2011@yahoo.com)



TEXAS HISTORICAL COMMISSION
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June 6, 2013

Duane Peter
GMI
2201 K Avenue, Suite A2
Plano, TX 75074-5977

RE: Public Information request, Texas Antiquities Permit #4481

Dear Mr. Peter:

We have received a formal request to inspect or copy files relating to Texas Antiquities Permit #4481, issued by this office. These files include a draft report we received from your company. The attorney general's office is reviewing this matter and they will issue a decision on whether Texas law requires us to release your draft report. Generally, the law requires that we release all requested information, but there are exceptions. As described below, you have the right to object to the release of your draft report, to submit briefing to the attorney general, and to argue that one or more exceptions apply to your draft report. If you want to file any objections and briefing, you must do so immediately. If the attorney general's office does not receive your objections and briefing within 10 business days, it could conclude that no exception applies and they may rule that your draft report must be released.

The requested information may be excepted from disclosure by sections 552.101, 552.110, 552.113, or 552.131 of the Texas Public Information Act (the "Act"), chapter 552 of the Government Code. A copy of the request for information is enclosed for your inspection. Pursuant to section 552.301 of the Government Code, we are seeking an attorney general decision to determine whether we must release the requested information. We are providing the Attorney General with a copy of the request for information and a copy of the requested information, along with other material required by the Act.

Under the Act, all information held by governmental bodies is open to public disclosure unless it falls within one of the Act's specific exceptions to disclosure. The Act places on the custodian of records the burden of demonstrating that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). However, in cases such as this one, where a third party's property interest is implicated, the governmental body may rely on the third party to establish that the information should be withheld under applicable exceptions intended to protect those interests. Gov't Code § 552.305; Open Records Decision No. 542 (1990).

If you wish to claim that the requested information is protected proprietary information, you have the right to submit additional information or legal briefing to the attorney general. You are not required to submit briefing to the attorney general, but if you decide not to submit briefing, the Office of the Attorney General will presume that you have no property interest in the requested information. In other words, your failure to take timely action may result in the requested



information being released to the public. If you decide to submit briefing, **you must do so not later than the tenth business day after the date you receive this notice.**

If you submit briefing to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies. Gov't Code § 552.305(d).

A claim that an exception applies without further explanation will not suffice. Attorney General Opinion H-436. You may contact this office to review the information at issue in order to make your arguments. The Act does not require the attorney general to raise and consider exceptions that have not been raised. The attorney general is generally required to issue a decision within 45 working days. You must send your written comments to the Office of the Attorney General at the following address:

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General. Gov't Code § 552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code § 552.305(e).

Commonly Raised Exceptions

In order for a governmental body to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly-claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

Section 552.101: Information Made Confidential by Law

Open Records Decision No. 652 (1997).

Section 552.110: Trade Secrets and Commercial or Financial Information

Trade Secrets:

Hyde Corp. v. Huffines, 314 S.W.2d 763, 776 (Tex.), *cert. denied*, 358 U.S. 898 (1958).

Open Records Decision No. 552 (1990).

Commercial or Financial Information:

The commercial or financial information prong of section 552.110 was amended by the Seventy-sixth Legislature. The amendment became effective September 1, 1999. At the time of publication of this form, there were no cases or opinions construing the amended provision.

Birnbaum v. Alliance of Am. Insurers, 994 S.W.2d 766 (Tex. App.--Austin 1999, pet. filed) (construing previous version of section 552.110).

National Parks & Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974).

Open Records Decision No. 639 (1996).

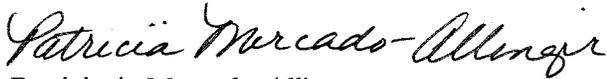
Section 552.113: Geological or Geophysical Information

Open Records Decision No. 627 (1994).

Section 552.131: Economic Development Negotiation Information

If you have questions about this notice or release of information under the Act, please refer to the Public Information Handbook published by the Office of the Attorney General, or contact the attorney general's Open Government Hotline at 512-478-OPEN (6736) or toll-free at (877)-673-6839 (877-OPEN TEX). To obtain copies of the Public Information Handbook or Attorney General Opinions, please go to the attorney general's website at www.oag.state.tx.us or call the attorney general's Opinions Library at 512- 936-1730.

Sincerely,



Patricia A. Mercado-Allinger
Archeology Division Director and State Archeologist

Enclosure: Copy of request for information

cc: Hal Barker, Hbarker_2011@yahoo.com
(w/o enclosures)

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548
(w/o enclosures)

Brad Jones

From: Missi Green [REDACTED]@geo-marine.com>
Sent: Friday, November 30, 2012 4:29 PM
To: Brad Jones
Subject: RE: Permit 4481

From: Brad Jones [mailto:[REDACTED]@thc.state.tx.us]
Sent: Friday, November 30, 2012 3:15 PM
To: Missi Green
Subject: Permit 4481

Hello,

There is no problem with including the additional testing of 41DL72 under existing Permit 4481. Please submit a brief permit amendment describing the proposed fieldwork for our permit record files. You can send this me either as a pdf or in the mail as a hardcopy.

Let me know if you have any additional questions.

Brad

Bradford M. Jones
Collections Manager/Project Reviewer
Archeology Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711
512/463-5865
www.thc.state.tx.us



TEXAS HISTORICAL COMMISSION
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Brad Jones

From: Missi Green [redacted]@geo-marine.com>
Sent: Friday, November 30, 2012 4:30 PM
To: Brad Jones
Subject: RE: Permit 4481

Hey Brad,
Wonderful! Once I've spoken with the client and have assurances that they definitely want to move forward, I'll get an amendment to you. Will talk soon I'm sure.

Have a great weekend!
Missi

Melissa M. Green, RPA
Principal Investigator
Senior Project Manager
Cultural Resources

Geo-Marine, Inc.
A Subsidiary of Applied Research Associates, Inc.
2201 K Avenue, Suite A2
Plano., Texas 75074
972) 423-5480 voice
972) 422-2736 fax
mgreen@geo-marine.com

From: Brad Jones [[mailto:\[redacted\]@thc.state.tx.us](mailto:[redacted]@thc.state.tx.us)]
Sent: Friday, November 30, 2012 3:15 PM
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512/463-5865
www.thc.state.tx.us



TEXAS HISTORICAL COMMISSION
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Brad Jones

From: Missi Green [REDACTED]@geo-marine.com>
Sent: Thursday, January 03, 2013 3:32 PM
To: Brad Jones
Subject: RE: Permit 4481
Attachments: ProposedST.pdf; Permit Revision Scope for Testing.doc

Hey Brad,

Happy New Year! Hope you had a wonderful holiday! But now we're both back at it.

The City of Dallas is ready to start some preliminary construction activities in early January on Texas Horse Park here in Dallas, which is where site 41DL72 is located. I've had virtually no notice, so I apologize for this email and request for a quick response. I've attached a scope of work and a map showing the proposed additional shovel test placements that I'd like to use to amend the current permit (#4481). Please let me know if you're OK with it or need anything else, as the City would like us to be in the field next week.

Again sorry for the short notice, I just got the word yesterday that this was moving forward so quickly.

Missi

Melissa (Missi) M. Green | Principal Investigator / Senior Project Manager
Direct: 972.543.4238



Celebrating 40 Years

Geo-Marine, Inc.
A subsidiary of Applied Research Associates, Inc.
2201 K Avenue, Suite A2, Plano, TX 75074
T 972.423.5480 | F 972.422.2736
www.geo-marine.com

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From: Brad Jones [mailto:[REDACTED]@thc.state.tx.us]
Sent: Friday, November 30, 2012 3:15 PM
To: Missi Green
Subject: Permit 4481

Hello,

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Let me know if you have any additional questions.

Brad

Bradford M. Jones
Collections Manager/Project Reviewer
Archeology Division
Texas Historical Commission
P.O. Box 12276
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**SCOPE OF WORK
LIMITED ARCHAEOLOGICAL TESTING
FOR A PORTION OF 41DL72
Texas Horse Park
Dallas County, Texas**

PERMIT # 4481

Based on the results of the intensive survey conducted in September 2012 (Goodmaster 2012) of Texas Horse Park in Dallas County, it was recommended that construction activities should avoid impacts to site 41DL72. Unfortunately, avoidance is no longer an option as the City of Dallas is planning early construction activities (e.g., utilities, parking) in anticipation of the future park development. Therefore, limited testing is recommended for this portion of the site.

Site 41DL72, a multi-component site, was previously recorded by Forrest Kirkland in 1940 as primarily a prehistoric habitation with a single burial and smaller component of historic materials. At the time of its recordation, it was described as an extensively used surface camp encompassing over 24 acres along the upland escarpment and centered on a large spring. A portion of the site in the property north of Texas Horse Park was investigated in 2006 (Naumann et al 2009) and found to contain several localized areas of intact soils containing prehistoric cultural material surrounded by disturbed soils. During the 2012 survey of the Texas Horse Park, it was determined that though the site has been previously impacted by 20th century industrial and agricultural activities, a small portion of site 41DL72 was found to likely contain preserved intact prehistoric cultural deposits.

The site currently is measured at approximately 375 m north-south by 140 m east-west (52,500 m²) as it crosses the 3 property lines. The portion of the site within the Texas Horse Park property measures approximately 185 m north-south by 100 m east-west (18,000 m²). The portion of the site recommended for limited testing measures approximately 90 m north-south by 55 m east-west and is bordered on the west by a former sand and gravel quarry. Only this 4,950 m² will receive additional attention, as the rest of the site is highly disturbed.

In order to retrieve enough information about this site to determine its eligibility Geo-Marine proposes to tighten the shovel test interval to 10 meters across this portion of the site. A maximum of 23 additional shovel tests is expected within this area. Based on the density and content of shovel tests and any features that might be encountered, no more than 4 excavation units (1-m-x-1-m in size) will be excavated in search of more definitive activity areas and expansion over features.

Based on the depth of materials found during survey, the site depth does not appear to extend below 70 cm below the surface. As no proposed deep impacts are expected due to current proposed construction activities, no backhoe trenching is necessary. However, all units will be excavated through the cultural deposit to 2 sterile levels or the B horizon, whichever comes first.

Detailed analyses of all materials collected will be conducted. This includes counts and measurements of lithic materials and tools, typing of all lithic tools, and weights of burned clay, fauna, and other materials. Should enough carbon material be identified from a feature or within an intact cultural deposit, it will be submitted for radiocarbon dating. Also a portion of the

feature fill will be collected for flotation. Detailed photographs of diagnostic materials will be taken for inclusion in the report.

The results of this limited testing will be incorporated into the current survey report (Goodmaster 2012) and submitted for final review by the City of Dallas and THC. At concurrence, copies of the final report will be submitted to the City, THC, and selected libraries across the State as per the requirements of the Antiquities Permit. A revised site form will be prepared and submitted with curation. All materials will be curated at the Texas Archeological Research Laboratory in Austin.

This page has been redacted because it contains confidential site location information

Brad Jones

From: Missi Green [mailto: [REDACTED]@geo-marine.com]
Sent: Thursday, January 03, 2013 3:45 PM
To: Brad Jones
Subject: RE: Permit 4481

WOW, that was quick!! You must have absolutely nothing else to do! Yes, my holiday was a nice one – got my fix on good seaffod and Cajun cuisine! Always hard to come back after 11 days away. Will let you know how it goes.

Thanks!

Missi

From: Brad Jones [mailto: [REDACTED]@thc.state.tx.us]
Sent: Thursday, January 03, 2013 3:35 PM
To: Missi Green
Subject: RE: Permit 4481

Hi Missi,

I had a great holiday, thanks! Hope yours was as well.

It looks good to me. I am going to print this and add it to the permit file. I look forward to reading the results.

Best,
Brad

From: Missi Green [mailto: [REDACTED]@geo-marine.com]
Sent: Thursday, January 03, 2013 3:32 PM
To: Brad Jones
Subject: RE: Permit 4481

Hey Brad,

Happy New Year! Hope you had a wonderful holiday! But now we're both back at it.

The City of Dallas is ready to start some preliminary construction activities in early January on Texas Horse Park here in Dallas, which is where site 41DL72 is located. I've had virtually no notice, so I apologize for this email and request for a quick response. I've attached a scope of work and a map showing the proposed additional shovel test placements that I'd like to use to amend the current permit (#4481). Please let me know if you're OK with it or need anything else, as the City would like us to be in the field next week.

Again sorry for the short notice, I just got the word yesterday that this was moving forward so quickly.

Missi

Melissa (Missi) M. Green | Principal Investigator / Senior Project Manager
Direct: 972.543.4238



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From: Brad Jones [mailto:Brad.Jones@thc.state.tx.us]
Sent: Friday, November 30, 2012 3:15 PM
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Let me know if you have any additional questions.

Brad

Bradford M. Jones
Collections Manager/Project Reviewer
Archeology Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711
512/463-5865
www.thc.state.tx.us



TEXAS HISTORICAL COMMISSION
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Do Not Toss; lg rept

106 Tracking Sheet

Tracking Number: **201301379**

Project Name: Texas Horse Park
 Description: Draft Report; CRS - New Horse Park

Agency Name: City of Dallas Permit: **4481**
 Second Agency:

Email: Phone: 9724235480
 Address: City: Dallas Zip:

Date Received: 10/12/2012 Date Entered: 10/15/2012
 Date Due: 11/11/2012 Date Responded: 11/9/12

Jurisdiction: State County: Dallas
 Other Counties: 0

Lead Reviewer: Brad Jones
 2nd Reviewer: SARAH B.
 3rd Reviewer:

Sites Eligible Ineligible 5 Undetermined 1
 Structures Ineligible 2 Eligible
 Acres 268.5

AD Comments

F1 F2 F3 F4 F7 F10 F11 F12 F13 F14 F15 F16 F19 F20
 F21 F25 F26 F27 F30 F31 F32 F33 F34 F39 F40 F50 F52
 T1 T2 T3 T4 T5 T6 T7 T10 T12 T13 T14 T15 T16 T19 T20
 T21 T25 T26 T27 T30 T31 T32 T33 T34 T35 T36 T37 T38 T39 T40

HPD Comments

N1 N2 N10 N19 N20 N20a N21 N23 N25 N26 N27 N29 N39 X1

DOA Comment

D1 D2 D6 D10 D11 D14 D15 D31 D32 D32a D33 D37 D39
 D40 D40a D41 D42

Notes: Concur w/ recommendations for archeological sites, but requesting CIRM to send AVOIDANCE PLAN.
 NONE OF THE STRUCTURES ARE SIGN. RECORDS COMPLETED

NOV 13 2012

MAPPING

TEXAS HISTORICAL COMMISSION
real places telling real stories

November 9, 2012

Melissa M. Green
Principal Investigator/Project Manager
Cultural Resources
Geo-Marine
2201 K Avenue, Suite A2
Plano, TX 75074-5977

Re: Project review under the Antiquities Code of Texas
Draft Report: *Cultural Resources Survey for the Proposed Texas Horse Park, Dallas County, Texas* (TAC 4481)

Dear Ms. Green:

Thank you for your submittal of the draft survey report regarding the above referenced project. This letter serves as comment on the proposed project from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Bradford Jones and Sarah Birtchet, has completed its review. We concur with your recommendations that archeological sites 41DL73, 41DL205, 41DL206, 41DL207, and 41DL508 are unlikely to yield additional information important to Texas history or prehistory. Therefore, it is our determination that all five are ineligible for nomination as a State Archeological Landmarks (SAL) or for inclusion in the National Register of Historic Places (NRHP). Furthermore, we concur that none of the historic structures in the project area are eligible as SALs or for listing on the NRHP.

We also concur that the portion of site archeological site 41DL72 located within the proposed project area is undetermined for nomination as a SAL or for the NRHP. Therefore we concur with the recommendation that the portion of the site within the project area be marked and avoided during construction. Please have the project sponsor provide the THC with an avoidance plan. If avoidance is not feasible, additional archeological investigations will be necessary in order to determine the SAL or NRHP eligibility of 41DL72 within the project area.

Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If we may be of further assistance, please call Bradford Jones at 512/463-5865.**

Sincerely,



for
Mark Wolfe, State Historic Preservation Officer
Executive Director

Enclosure
MW/bmj



11 October 2012

Mr. Mark Denton
THC – Archeology Division
108 W. 16th Street
Austin, TX 78701

RECEIVED
OCT 12 2012
TEXAS HISTORICAL COMMISSION

Dear Mark,

Please find enclosed 2 copies of the DRAFT report entitled *Cultural Resources Survey for the Proposed Texas Horse Park, Dallas County, Texas* for your review and distribution to someone in History. This is the draft report summarizing combined investigations for this project. The City would like to demolish the structures soon as they are currently a hazard, and so your input is requested.

During the combined 2007 and 2012 surveys, five previously recorded sites (41DL72, 41DL73, 41DL205, 41DL206, and 41DL207) were revisited and one new site recorded (41DL508). Based on the results of these combined investigations, we recommend that site 41DL72 be recommended as of unknown eligibility and avoided if possible, as there appears to be intact archaeological deposits in a portion of the site investigated that could enhance our knowledge of the prehistory of the area. Looking at the initial placement of facilities in the Master Plan, this portion of the site could easily be avoided, though if avoidance is not possible, monitoring during construction is recommended. The remaining sites are all recommended as ineligible for inclusion in the National Register of Historic Places or designation as a State Archeological Landmark, and no further work is recommended.

Please do not hesitate to contact me if you have any questions or require additional information. We look forward to your comments.

Sincerely,



Melissa M. Green
Principal Investigator /
Project Manager
Cultural Resources

cc: Don Burns – City of Dallas
Craig Reynolds - BRW

GMI Ref: 30428.00.04

**CULTURAL RESOURCES SURVEY
FOR THE PROPOSED TEXAS HORSE PARK,
DALLAS COUNTY, TEXAS**

DRAFT

by
Christopher Goodmaster

with contributions by
Kristen J. Bastis
Mikel Travisano
Sharlene Allday
Bill Hersch

for
BRW Architects, Inc.
3535 Travis Street
Suite LB-102
Dallas, Texas 75204

TEXAS ANTIQUITIES PERMIT NUMBER 4481

MISCELLANEOUS REPORTS OF INVESTIGATIONS
NUMBER 573

Geo-Marine, Inc.
2201 K Avenue, Suite A2
Plano, Texas 75074

September 2012

File Check List

Archeology Permit Number **4481**

Project Name ***Texas Horse Park at Trinity River***
Permit Type ***Intensive Survey***
Owner ***City of Dallas Park and Recreation Dept.***
County (ies) ***Dallas***
Quad Name ***Hutchins***

Complete Application Received

Permit Issued **04/10/2007**

Duration of Permit **5 years and 0 Months**

Permit Expiration **04/10/2012**

Extension (Date)

Scope of Work ***Intensive survey on a 40 m grid on the floodplain terrace and upland edge, with judgmental shovel tests in the floodplain. Backhoe trenching will occur once building locations have been decided. For details, see scope of work submitted with permit application.***

Final Report Received _____ Draft Report Received _____

Abstract Form Received _____ Reply to Draft Report _____

Curation Form Received _____ Report Placed in Library _____

60-Day Letter Sent _____ Final 60-Day Letter Sent _____

Date Printed **4/19/2007**

106 Tracking Sheet

Date Received 4/10/2007

Tracking Number: 200708259L

Project Name: Texas House Park @ Trinity River

Project Description: New Permit Application

Agency Name: City of Dallas

Second Agency Name:

Jurisdiction: State TAC Permit: 4481

County: Dallas Other Counties: 0

Date Received: 4/10/2007

Date Entered: 5/1/2007

Date Due 5/10/2007

Date Responded: 4/20/2007

Lead Reviewer Debra Beene

2nd Reviewer

3rd Reviewer

Reviewer Responses

Reviewer Codes

- > T2 - Written review
> T5 - Permit application
>
>
>
>

Sites

Eligible
Ineligible
Undetermined

Structures

Ineligible
Eligible

Acres

Notes

COMPLETED
MAY 01 2007

Track In & Out



Do Not Scan If Checked

Date Received: 4/10/07

Project Name: Texas House Park at Trinity River

Description: New Permit Applications

Lead Agency: City of Dallas Second Agency: _____

Jurisdiction:

Federal

State

Private

Permit # 4481

Counties:

Code

County

Code

County

Code

County

_____ Dallas

Information Received

Letter

Photo

New PA

New MOA

Report

Slide

Revised PA

Revised MOA

Copy

Plans

Signed PA

Signed MOA

FAX

EA

EIS

Site Visit

Phone Call

E-mail

Other

Meeting

Response Codes: T2 T5 _____

Response Date: 4/20/07

Reviewer: Debra

Project should also be reviewed by the following persons:

2nd Lillie T.

3rd _____



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

April 20, 2007

Ms. Tiffany Osburn
Geo-Marine, Inc.
2201 K Avenue, Suite A2
Plano, TX 75074

Re: Project review under the Antiquities Code of Texas
Texas House Park at Trinity River, Dallas County
Texas Antiquities Permit #4481

Dear Colleague:

Thank you for your Antiquities Permit Application for the above referenced project. This letter presents the final copy of the permit application from the Executive Director of the Texas Historical Commission, the state agency responsible for administering the Antiquities Code of Texas.

Please keep this copy for your records. Additionally, please note that the Antiquities Permit investigations require production of 20 copies of the final report and verification that any artifacts recovered and records produced during the investigations are curated at the repository listed in the permit.

If you have any questions concerning this permit or if we can be of further assistance, please contact Lillie Thompson at 512/463-1858. The reviewer for this project is Debra Beene, 512/463-6096.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Lawrence Oaks".

for

F. Lawrence Oaks, State Historic Preservation Officer

FLO/lft

Enclosure

Cc: R. Donald Burns, City of Dallas Park
& Recreation Dept.

State of Texas
TEXAS ANTIQUITIES COMMITTEE

ARCHEOLOGY PERMIT # 4481

This permit is issued by the Texas Historical Commission, hereafter referred to as the Commission, represented herein by and through its duly authorized and empowered representatives. The Commission, under authority of the Texas Natural Resources Code, Title 9, Chapter 191, and subject to the conditions hereinafter set forth, grants this permit for:

Intensive Survey

To be performed on a potential or designated landmark or other public land know

Title: Texas Horse Park at Trinity River
County: Dallas
Location: 400 m North of Loop 12 & on the west side of Pemberton Road, w/Elam Rd crossing below the center of the 264 acres. Northern boundary begins about 225 m north of Jeane St., western boundary is just below the 400 ft. contour along the floodplain.

Owned or Controlled by: (hereafter known as the Permittee):

City of Dallas Park and Recreation Dept.
City Hall 6FH
Dallas, TX 75201

Sponsored by (hereafter known as the Sponsor

City of Dallas Park and Recreation Dept.
City Hall 6FH
Dallas, TX 75201

The Principal Investigator/Investigation Firm representing the Owner or Sponsor is:

Tiffany Osburn
Geo-Marine, Inc.
2201 K Avenue, Suite A2
Plano, TX 75074

This permit is to be in effect for a period of:

5 Years and 0 Months

and Will Expire on:

04/10/2012

During the preservation, analysis, and preparation of a final report or until further notice by the Commission, artifacts, field notes, and other data gathered during the investigation will be kept temporarily at:

Geo-Marine, Inc.

Upon completion of the final permit report, the same artifacts, field notes, and other data will be placed in a permanent curatorial repository at:

Texas Archeological Research Lab.

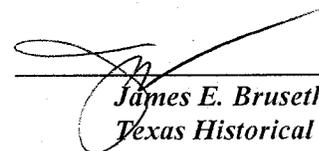
Scope of Work under this permit shall consist of:

Intensive survey on a 40 m grid on the floodplain terrace and upland edge, with judgmental shovel tests in the floodplain. Backhoe trenching will occur once building locations have been decided. For details, see scope of work submitted with permit application.

▣ This permit is granted on the following terms and conditions:

- 1) This project must be carried out in such a manner that the maximum amount of historic, scientific, archeological, and educational information will be recovered and preserved and must include the scientific, techniques for recovery, recording, preservation and analysis commonly used in archeological investigations.
- 2) The Principal Investigator/Investigation Firm, serving for the Owner/Permittee and/or the Project Sponsor, is responsible for insuring that specimens, samples, artifacts, materials and records that are collected as a result of this permit are appropriately cleaned, and cataloged for curation. These tasks will be accomplished at no charge to the Commission, and all specimens, artifacts, materials, samples, and original field notes, maps, drawings, and photographs resulting from the investigations remain the property of the State of Texas, or its political subdivision, and must be curated at an appropriate repository. Verification of curation by the repository is also required, and duplicate copies of any requested records shall be furnished to the Commission before any permit will be considered complete.
- 3) The Principal Investigator/Investigation Firm serving for the Owner/Permittee, and/or the Project Sponsor is responsible for the publication of results of the investigations in a thorough technical report containing relevant descriptions, maps, documents, drawings, and photographs. A draft copy of the report must be submitted to the Commission for review and approval. Any changes to the draft report requested by the Commission must be made or addressed in the report, or under separate written response to the Commission. Once a draft has been approved by Commission, twenty (20) copies of the final report shall be furnished to the Commission.
- 4) If the Owner/Permittee, Project Sponsor, or Principal Investigator/Investigation Firm fails to comply with any of the Commission's Rules of Practice and Procedure or with any of the specific terms of this permit, or fails to properly conduct or complete this project within the allotted time, the permit will fall into default status and/or the Commission may cancel the permit until such time that the terms of the permit are properly completed. Notification of Cancellation shall be sent to the Owner/Permittee and the Principal Investigator/Investigation Firm, and all work associated with the permit must then stop immediately upon receipt of the notice. Notification of Default status shall be sent to the Principal Investigator/Investigation Firm, and the Principal Investigator will not be eligible to be issued any new permits until such time that the conditions of this permit are complete.
- 5) The Owner/Permittee, Project Sponsor, and Principal Investigator/Investigation Firm, in the conduct of the activities hereby authorized, must comply with all laws, ordinances and regulations of the State of Texas and of its political subdivisions including, but not limited to, the Antiquities Code of Texas; they must conduct the investigation in such a manner as to afford protection to the rights of any and all lessees or easement holders or other persons having an interest in the property; and they must return the property to its original condition insofar as possible, to leaves it in a state which will not create hazard to life nor contribute to the deterioration of the site or adjacent lands by natural forces.
- 6) Any duly authorized and empowered representative of the Commission may, at any time, visit the site to inspect the field work as well as the field records, materials, and specimens being recovered.
- 7) For reasons of site security associated with nautical historical resources, the Project Sponsor (if not the Owner/Permittee), Principal Investigator, and Investigation Firm shall not issue any press releases, or divulge to the news media, either directly or indirectly, information regarding the specific location of , or other information that might endanger those resources, or their associated artifacts without first consulting with the Commission, and the State agency or political subdivision of the State that owns or controls the land where the resource has been discovered.
- 8) This permit may not be assigned by the Principal Investigator/Investigation Firm, Owner/Permittee, or Project Sponsor in whole, or in part to any other individual, organization, institution, or corporation not specifically mentioned in this permit without the written consent of the Commission.
- 9) Hold Harmless: The Owner/Permittee hereby expressly releases the State and agrees that Owner/Permittee will hold harmless, indemnify, and defend (including reasonable attorney's fees and cost of litigation) the State, its officers, agents, and employees in their official and/or individual capacities from every liability, loss, or claim for damages to persons or property, direct or indirect of whatsoever nature arising out of, or in any way connected with, any of the activities covered under this permit.
- 10) Addendum: The Owner/Permittee, Project Sponsor and Principal Investigator/Investigation Firm must abide by any addenda hereto attached.

Upon a finding that it is in the best interest of the State, this permit is issued on 04/10/2007.


 James E. Bruseth, for the
 Texas Historical Commission

ANTIQUITIES PERMIT APPLICATION FORM ARCHEOLOGY

GENERAL INFORMATION

NAME - TEXAS HORSE PARK & TRINITY RIVER
DESCR - PERMIT APPLICA - CRS - NEW DEVELOPMENT
AGENCY - CITY (DALLAS)

I. PROPERTY TYPE AND LOCATION

Project Name (and/or Site Trinomial) Intensive Survey of the Texas Horse ~~PARK~~ & TRINITY RIVER
 County (ies) Dallas
 USGS Quadrangle Name and Number Hutchins
 UTM Coordinates Zone 14 E 713500 N 3622710 at center of parcel
 Location 400 m north of Loop 12 and on the west side of Pemberton Road, with Elam Road crossing below the center of the 264 acres. Northern boundary begins about 225 m north of Jeane Street, western boundary is just below the 400 ft contour along the floodplain
 Federal Involvement Yes No
 Name of Federal Agency _____
 Agency Representative _____

II. OWNER (OR CONTROLLING AGENCY)

Owner City of Dallas Park and Recreation Department
 Representative R. DONALD BURRAS
 Address City Hall 6FH
 City/State/Zip Dallas, Texas 75201
 Telephone (include area code) 214-670-1805 Email Address DBURRAS@MAIL.CI.DALLAS.TX.US

III. PROJECT SPONSOR (IF DIFFERENT FROM OWNER)

Sponsor _____
 Representative _____
 Address _____
 City/State/Zip _____
 Telephone (include area code) _____ Email Address _____

PROJECT INFORMATION

I. PRINCIPAL INVESTIGATOR (ARCHEOLOGIST)

Name Tiffany Osburn
 Affiliation Geo-Marine, Inc.
 Address 2201 K Avenue, Suite A2
 City/State/Zip Plano, Texas 75074
 Telephone (include area code) 972-423-5480 x 237 Email Address tosburn@geo-marine.com

ANTIQUITIES PERMIT APPLICATION FORM (CONTINUED)

II. PROJECT DESCRIPTION

Proposed Starting Date of Fieldwork 10 April 2007
Requested Permit Duration 5 Years Months (1 year minimum)
Scope of Work (Provided an Outline of Proposed Work) Intensive survey on a 40 m grid on the floodplain terrace and upland edge, with judgmental shovel tests in the floodplain. Backhoe trenching will occur once building locations have been decided. (see attached for details)

III. CURATION & REPORT

Temporary Curatorial or Laboratory Facility Geo-Marine, Inc.
Permanent Curatorial Facility Texas Archeological research Laboratory

IV. LAND OWNER'S CERTIFICATION

I, DONALD BURNS, as legal representative of the Land Owner, City of Dallas, do certify that I have reviewed the plans and research design, and that no investigations will be preformed prior to the issuance of a permit by the Texas Historical Commission. Furthermore, I understand that the Owner, Sponsor, and Principal Investigator are responsible for completing the terms of the permit.
Signature [Signature] Date 3-29-07

V. SPONSOR'S CERTIFICATION

I, _____, as legal representative of the Sponsor, _____, do certify that I have review the plans and research design, and that no investigations will be performed prior to the issuance of a permit by the Texas Historical Commission. Furthermore, I understand that the Sponsor, Owner, and Principal Investigator are responsible for completing the terms of this permit.
Signature _____ Date _____

VI. INVESTIGATOR'S CERTIFICATION

I, Tiffany Osburn, as Principal Investigator employed by Geo-Marine, Inc. (Investigative Firm), do certify that I will execute this project according to the submitted plans and research design, and will not conduct any work prior to the issuance of a permit by the Texas Historical Commission. Furthermore, I understand that the Principal Investigator (and the Investigative Firm), as well as the Owner and Sponsor, are responsible for completing the terms of this permit.
Signature [Signature] Date 3-27-07

Principal Investigator must attach a research design, a copy of the USGS quadrangle showing project boundaries, and any additional pertinent information. Curriculum vita must be on file with the Division of Antiquities Protection.

FOR OFFICIAL USE ONLY

Reviewer DB Date Permit Issues 4-10-07
Permit Number 4481 Permit Expiration Date 4-10-2012
Type of Permit Intensive Survey Date Received for Data Entry

Texas Historical Commission
Archeology Division
P.O. Box 12276, Austin, TX 78711-2276
Phone 512/463-6096
www.thc.state.tx.us



TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

submitted a revised SOW 4/10/07 dbb