

**PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT,  
THE TEXAS STATE HISTORIC PRESERVATION OFFICER, THE CITY OF  
SAN ANTONIO, TEXAS  
AND THE SAN ANTONIO RIVER AUTHORITY  
REGARDING COMPLIANCE WITH SECTION 106 OF THE  
NATIONAL HISTORIC PRESERVATION ACT FOR THE  
RIVER ROAD AQUATIC ECOSYSTEM STUDY AND ENVIRONMENTAL  
ASSESSMENT  
IN  
SAN ANTONIO, BEXAR COUNTY, TEXAS**

WHEREAS, the U.S. Army Corps of Engineers, Fort Worth District (USACE) is cost sharing with the San Antonio River Authority (SARA) for the implementation of the River Road Aquatic Ecosystem Restoration Study, which presents an alternative that consists of instream modification; and

WHEREAS, the River Road Aquatic Ecosystem Restoration Study is authorized under Section 206 of the Water Resources Development Act (WRDA) of 1996, as amended (335 U.S. Code 2011); and

WHEREAS, USACE has defined the undertaking's preliminary area of potential effects (APE) as described in **Appendix A**; however, the final horizontal and vertical APE cannot be fully determined until the pre-construction, engineering and design phase of the study, and will be developed in consultation with the SHPO and those Tribal Nations requesting consulting party status (hereinafter, "Tribal Nations") prior to a cultural resources survey being performed; and

WHEREAS, during the pre-construction, engineering and design phase of the study, the construction footprint of the undertaking will be developed through revisions and redesigning, with the final work plan being developed in consultation with all signatories and consulting parties to this PA; and

WHEREAS, USACE has determined that all activities associated with the undertaking have the potential to affect historic properties eligible for listing in the National Register of Historic Places (NRHP) (hereinafter, "historic properties"), pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) (NHPA), as amended, and its implementing regulations (36 CFR Part 800); and

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

WHEREAS, SARA is the non-Federal partner with the USACE for this undertaking, and is providing the necessary lands, easements, relocations, rights-of-way and disposal areas, and since it is a political subdivision of the state, a Texas Antiquities Permit must be issued by the SHPO prior to initiation of an survey, testing, or mitigation of adverse effects on State Antiquities Landmarks and

WHEREAS, USACE has developed this Programmatic Agreement (PA) to describe the process that will be followed for identifying historic properties, assessing effects, and resolving any identified adverse effects within the horizontal footprint of the undertaking, prior to construction, and the process USACE will follow in the event that unanticipated discoveries are identified during construction and maintenance activities, and to ensure that the Section 106 process is fulfilled for the River Road Aquatic Ecosystem Restoration Study Integrated Feasibility Report and Environmental Assessment; and

WHEREAS, the USACE, has consulted with the Texas State Historic Preservation Officer (SHPO), pursuant to 36 CFR 800, the regulations implementing Section 106 of the NHPA in developing a PA for the implementation of the undertaking, in accordance with 36 CFR § 800.6 and 36 CFR § 800.14(b)(1)(ii); and

WHEREAS, in 2019, the USACE has consulted with The Kiowa Tribe of Oklahoma, The Apache Tribe of Oklahoma, The Tonkawa Tribe of Oklahoma, and The Comanche Nation for which the undertaking was believed to be in these Tribal Nations area of interest, and for which historic properties within the focused study area of the undertaking are believed to have religious and cultural significance to these Tribal Nations; and

WHEREAS, in accordance with 36 CFR § 800.6 (a)(2), The Kiowa Tribe of Oklahoma, The Apache Tribe of Oklahoma, The Tonkawa Tribe of Oklahoma, The Comanche Nation, and the Brackenridge Park Conservancy, are consulting parties to this PA (**Appendix B**); and

WHEREAS, in accordance with 36 CFR § 800.6 (c)(2), the USACE has invited SARA and the City of San Antonio (COSA) to be a signatories in this PA; and

WHEREAS, the USACE has invited the Advisory Council on Historic Preservation (ACHP) to participate and the ACHP has chosen not to participate; and

WHEREAS, since 2019 the USACE has involved the public in this study by providing news releases to the local paper, holding public scoping meetings; and

NOW, THEREFORE, the USACE and the SHPO agree that the proposed undertaking shall be implemented and administered in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

## STIPULATIONS

The USACE will ensure that the following stipulations are carried out to identify historic properties and address adverse effects to such properties that will result from implementation of the River Road Aquatic Ecosystem Restoration Study:

### I. Identification, Evaluation, Effects Determination, and Resolution

- A. Scope of undertaking. This PA shall be applicable to all activities associated with the construction of the River Road Aquatic Ecosystem Restoration Study Tentatively Selected Plan (TSP). The final APE and Scope of Work shall be established by the USACE in consultation with SARA, COSA, the SHPO and Tribal Nations to include all areas that will be affected by new construction, terrestrial construction staging and access areas, terrestrial equipment placement needs during use in construction activities, access routes, and project maintenance activities that will result from this undertaking. A preliminary APE is provided in Appendix B.
- B. Qualifications and Standards. The USACE shall ensure that all work conducted in conjunction with this PA is performed in a manner consistent with the Secretary of Interior's "Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716-44740; September 23, 1983), as amended, the Secretary of the Interior's "Standards for the Treatment of Historic Properties" (36 CFR § 68), National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation" (NPS 1990), and the requirements for archaeological survey as outlined in the Archeological Survey Standards for Texas (Texas Historical Commission) approved in 2020, as appropriate. The USACE shall ensure that the Principal Investigator hired to conduct the work will meet the Secretary of Interior's standards, and is able to be issued a Texas Antiquities Permit.
- C. Definitions. The definitions set forth in 36 CFR § 800.16 are incorporated herein by reference and apply throughout this PA.
  - a) Identification of Historic Properties (Cultural Resource Survey). Prior to the initiation of construction, the USACE shall make a reasonable and good faith effort to identify historic properties, including architectural resources such as low-water crossings, located within the APE. These steps may include, but are not limited to, background research, consultation, oral history interviews, seek information from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with historic properties in the area, sample field investigations, and a cultural resource field survey. The identification of possible historic resources will be conducted by a qualified Architectural Historian that meets the Secretary of the Interior's Standards and

Guidelines for Architectural History or Historic Architecture. All draft reports of survey shall be submitted to the SHPO, Tribal Nations, The City of San Antonio (COSA) Office of Historic Preservation (OHP), and the City of San Antonio Public Works Department (COSA PWD) for review and comment. If the SHPO and Tribal Nations comments are not received by the USACE within thirty (30) calendar days of receipt, the USACE shall consider this concurrence by the SHPO and Tribal Nations. Comments received by the USACE from the SHPO and Tribal Nations shall be addressed in the final reports, which shall be provided to all consulting parties. If no historic properties are identified in the APE, the USACE shall document this finding pursuant to 36 CFR § 800.11(d), and provide this documentation to the SHPO and Tribal Nations.

D. Evaluation of National Register Eligibility. If cultural resources are identified within the APE, the USACE shall determine their eligibility for the NRHP in accordance with the process described in 36 CFR § 800.4(c) and criteria established in 36 CFR § 60. Any potential historic properties identified on state public land shall also be assessed as potential State Antiquities Landmarks. All draft reports of NRHP site testing/draft research design or other NRHP investigations shall be submitted to the SHPO/Tribal Nations/COSA PWD/additional consulting parties identified in consultation with SHPO for review and comment. If SHPO/Tribal Nations/additional consulting parties comments are not received by the USACE within thirty (30) calendar days of receipt, the USACE shall consider this concurrence by the SHPO/Tribal Nations/additional Consulting Parties. Comments received by the USACE from the COSA PWD, COSA OHP, SHPO, or Tribal Nations shall be addressed in the final report/draft research design, which shall be provided to all consulting parties. The determinations of eligibility shall be conducted in consultation and concurrence with the COSA PWD, SHPO, and Tribal Nations. Should the USACE, COSA PWD, COSA OHP, SHPO, and Tribal Nations agree that a property is or is not eligible, then such consensus shall be deemed conclusive for the purpose of this PA. Should the USACE, COSA PWD, COSA OHP, SHPO and Tribal Nations not agree regarding the eligibility of a property, the USACE shall obtain a determination of eligibility from the Keeper of the National Register pursuant to 36 CFR § 63. For cultural resources found not eligible for the NRHP, no further protection or consideration of the site will be afforded for compliance purposes.

E. Assessment of Adverse Effects.

1. No Historic Properties Affected. The USACE shall make a reasonable and good faith effort to evaluate the effect of the undertaking on identified and determined historic properties in the APE. The USACE may conclude that no historic properties are affected by the undertaking if no historic properties are present in the APE, or the undertaking will have no effect as defined in 36 CFR § 800.16(i). This finding shall be documented in compliance with 36

CFR § 800.11(d), and the documentation (cultural resource report, per Stipulation I. D.) shall be provided to the COSA PWD, COSA OHP, SHPO, and Tribal Nations. The USACE shall provide information on the finding to the public upon request, consistent with the confidentiality requirements of 36 CFR § 800.11(c) and Section 304 of the NHPA.

2. Finding of No Adverse Effect. The USACE, in consultation with the SHPO, and Tribal Nations shall apply the criteria of adverse effect to historic properties within the APE in accordance with 36 CFR § 800.5. The USACE may propose a finding of no adverse effect if the undertaking's effects do not meet the criteria of 36 CFR § 800.5(a)(1) or the undertaking is modified to avoid adverse effects in accordance with 36 CFR § 68. The USACE shall provide to the COSA OHP, SHPO, and Tribal Nations documentation of this finding meeting the requirements of 36 CFR § 800.11(e) and the documentation (cultural resource report, per Stipulation I. D.) shall be provided to the COSA OHP, SHPO and Tribal Nations. The USACE shall maintain a record of the finding and provide information on the finding to the public upon request, consistent with the confidentiality requirements of 36 CFR § 800.11(c) and Section 304 of the NHPA.
3. Resolution of Adverse Effect. If the USACE determines that the undertaking will have an adverse effect on historic properties as measured by criteria in 36 CFR § 800.5(a)(1), the USACE shall consult with the COSA OHP, COSA PWD, SHPO, and Tribal Nations to resolve adverse effects in accordance with 36 CFR § 800.6(a). In accordance with 36 CFR § 800.6 (a)(1), USACE shall notify the ACHP of the adverse effect finding by providing the documentation specified in 36 CFR § 800.11(e).
  - b) For historic properties that the USACE, COSA PWD, SHPO, and Tribal Nations agree will be adversely affected, the USACE shall:
    - (1) Afford the public an opportunity to express their views on resolving adverse effects in a manner appropriate to the magnitude of the project and its likely effects on historic properties.
    - (2) Consult with the COSA PWD, SHPO, Tribal Nations, and any additional consulting parties to seek ways to avoid, minimize or mitigate adverse effects.
    - (3) Prepare a mitigation plan (Prepared in consultation once adverse effect determination is reached) which describes mitigation measures the USACE proposes to resolve the undertaking's adverse effects and provide this mitigation plan for review and comment to all consulting parties. All parties have 30 calendar days in which to provide a written response to the USACE. Once 30 calendar days has passed any received comments will be incorporated into the mitigation plan,

then reviewed by the appropriate USACE approving official. Once approved and signed by the appropriate USACE approving official, the mitigation plan will be executed. Once the mitigation plan is fulfilled all consulting parties will be notified in writing.

- c) If the USACE, COSA OHP, COSA PWD, SHPO, and Tribal Nations fail to agree on how adverse effects will be resolved, the USACE shall request that the Council join the consultation in accordance with 36 CFR § 800.6 (b)(v).
- d) If the Council agrees to participate in the consultation, the USACE shall proceed in accordance with 36 CFR § 800.6 (b)(2).
- e) If, after consulting to resolve adverse effects, the Council, the USACE, COSA PWD, SHPO, or Tribal Nations determines that further consultation will not be productive, then procedures outlined in Stipulation VII should be followed.

## **II. Post Review Changes and Discoveries**

- A. Changes in the Scope of the undertaking. If construction on the undertaking has not commenced, and the USACE determines that it will not conduct the undertaking as originally coordinated, the USACE shall notify all consulting parties to this PA in writing of the proposed change in scope, and provide maps illustrating the proposed changes to the undertaking requesting comments within 30 calendar days of receipt. If no comments are received within 30 calendar days, USACE will assume all consulting parties notified have no comments and the undertaking will proceed with the proposed changes.
- B. Unanticipated Discoveries or Effects. Pursuant to 36 CFR 800.13(b)(3), if historic properties are discovered or unanticipated effects on historic properties are found after construction on an undertaking has commenced, the USACE shall develop a treatment plan to resolve adverse effects and notify the COSA OHP, COSA PWD, SHPO, and Tribes within 48 hours of the discovery. Examples of such discoveries might include items such as archeological features or significant artifacts that are not related to graves (the topic of inadvertent discoveries of human remains is discussed in Section IV below). The notification shall include the USACE assessment of the NRHP eligibility of affected properties and proposed actions to resolve the adverse effects. Comments received from the COSA OHP, COSA PWD, SHPO, and Tribes within 48 hours of the notification shall be taken into account by the USACE in carrying out the proposed treatment plan. The USACE may assume SHPO concurrence in its eligibility assessment and treatment plan unless otherwise notified by the SHPO within 48 hours of notification. USACE shall provide the COSA OHP, COSA PWD, SHPO, and Tribes a report of the USACE actions when they are completed.

### **III. Curation and Disposition of Recovered Materials, Records, and Reports**

- A. Curation. The USACE shall ensure that all archeological materials and associated records, which result from identification, evaluation, and treatment efforts conducted under this PA, are accessioned into a curation facility in accordance with the standards of 36 CFR 79, and as applicable, the Antiquities Code of Texas (Texas Natural Resource Code, Chapter 191), the Texas Administrative Code 13 TAC §29.5, and the Council of Texas Archeologists Guidelines and Standards for Curation, except as specified in Stipulation IV for human remains. Archeological materials from privately owned lands will **NOT** be collected, and as such will require in-field analysis by senior staff with laboratory experience and knowledge of regional artifacts.
- B. Reports. The USACE shall provide copies of final technical reports of investigations and mitigation to the consulting parties and the SHPO, as well as additional copies (specific site locational data removed) for public distribution. All consulting parties shall withhold site location information or other data that may be of a confidential or sensitive nature pursuant to 36 CFR § 800.11(c).

### **IV. Treatment of Native American Human Remains**

- A. Prior Consultation. If the USACE's investigations, conducted pursuant to Stipulation I of this PA, indicate a high likelihood that Native American Indian human remains may be encountered, the USACE shall develop a treatment plan for these remains in consultation with the COSA OHP, COSA PWD, SHPO, and Tribal Nations. The USACE shall ensure that Tribal Nations, indicating an interest in the undertaking, are notified and given 30 calendar days (from date of notification) to identify concerns, provide advice on identification and evaluation, and participation in the resolution of adverse effects in compliance with the terms of this PA. If no response is received within 30 calendar days from Tribal Nations, the USACE will assume that Tribal Nations have no concerns.
- B. Inadvertent Discovery. Immediately upon the inadvertent discovery of human remains and funerary objects during historic properties investigations or construction activities conducted pursuant to this PA, the USACE shall ensure that all ground disturbing activities cease in the vicinity of the human remains and any associated grave goods and that the site is secured from further disturbance or vandalism. The USACE shall be responsible for immediately notifying local law enforcement officials, and within 48 hours of the discovery, shall initiate consultation with the COSA OHP, COSA PWD, SHPO, and Tribal Nations to develop a plan for resolving the adverse effects. A notice of existence of a cemetery will be filed with the County Clerk within 10 days of discovery. The procedures outlined in Chapter 711 of the Texas Health and Safety Code, and

applicable provisions of the Texas Code of Criminal Procedure referenced in Chapter 711, will be followed at all times.

- C. Dispute Resolution. If, during consultation conducted under paragraphs A and B of Stipulation IV, all consulting parties cannot agree upon a consensus plan for resolving adverse effects, the matter shall be referred to the Council for resolution in accordance with the procedures outlined in Stipulation V.

## **V. Dispute Resolution**

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

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

## **VI. Amendments**

This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.

## **VII. Termination**

If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VI, above. If within (60) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

Once the PA is terminated, and prior to work continuing on the undertaking, USACE must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USACE shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the USACE, COSA OHP, COSA PWD, SHPO, and SARA, and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

### **VIII. Anti-Deficiency Clause**

The stipulations of this agreement are subject to the provisions of the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act alters or impairs the USACE's ability to implement the stipulations of the agreement, the USACE will consult according to the amendment and termination provisions found at Stipulations VI and VII of this agreement.

### **IX. Term of this Agreement**

The USACE intends the term of this PA document to be in effect for 15 years from the date of execution of this agreement, unless terminated pursuant to Stipulation VII.

Execution of this PA and implementation of its terms evidences that the USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**EXECUTION AND IMPLEMENTATION** of this PA evidences that the USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES** include the USACE Fort Worth District and the Texas State Historic Preservation Officer. The City of San Antonio, Texas and the San Antonio River Authority are Invited Signatories. Separate signature pages for each agency follow.

**EXECUTION AND IMPLEMENTATION**

**SIGNATORIES** include the USACE Fort Worth District and the Texas State Historic Preservation Officer.

**USACE FORT WORTH DISTRICT**

Date: \_\_\_\_\_

\_\_\_\_\_  
**Colonel Kenneth Reed**  
**District Engineer**

**EXECUTION AND IMPLEMENTATION**

**SIGNATORIES** include the USACE Fort Worth District and the Texas State Historic Preservation Officer.

**TEXAS STATE HISTORIC PRESERVATION OFFICER**

Date: \_\_\_\_\_

\_\_\_\_\_  
**Mr. Mark Wolfe**  
**Texas State Historic Preservation Officer**

**INVITED SIGNATORIES** include the San Antonio River Authority and the City of San Antonio, Texas.

**THE SAN ANTONIO RIVER AUTHORITY**

Date: \_\_\_\_\_

\_\_\_\_\_  
**Mr. Steve Graham**  
**San Antonio River Authority**

**INVITED SIGNATORIES** include the San Antonio River Authority and the City of San Antonio, Texas.

**THE CITY OF SAN ANTONIO, TEXAS**

\_\_\_\_\_ Date: \_\_\_\_\_  
Mr. Razi Hosseini, P.E., R.P.L.S., Director/City Engineer  
Public Works Department



October 13, 2020

Amanda M. McGuire  
Chief, Environmental Branch  
Fort Worth District  
U.S. Army Corps of Engineers  
P. O. Box 17300  
Fort Worth, TX 76102-0300

Ref: *Proposed River Road Aquatic Ecosystem Restoration Project*  
*Bexar County, Texas*

Dear Ms. McGuire:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the Texas State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Daniel at 202 517-0223 or via e-mail at [cdaniel@achp.gov](mailto:cdaniel@achp.gov).

Sincerely,

Artisha Thompson  
Historic Preservation Technician  
Office of Federal Agency Programs

## **Appendix A – Project Description**

### Cultural Resources

Federal agencies are required under Section 106 of the National Historic Preservation Act to “take into account the effects of their undertakings on historic properties” and consider alternatives “to avoid, minimize or mitigate the undertaking’s adverse effects on historic properties” [(36 CFR 800.1(a-c)] in consultation with the State Historic Preservation Officer (SHPO) and appropriate federally recognized Indian Tribes (Tribal Historic Preservation Officers - THPO) [(36 CFR 800.2(c)]. In accordance with this and other applicable regulations, including the National Environmental Policy Act of 1969 (NEPA), the Native American Graves Protection and Repatriation Act (NAGPRA), the Antiquities Code of Texas, and Engineer Regulation (ER) 1105-2-100, the U.S. Army Corps of Engineers (USACE) has reviewed of the Texas Historical Commission (THC) ATLAS Database to better determine the existing conditions and potential risks of encountering cultural resources.

This document has been prepared to provide background information supporting coordination of a Programmatic Agreement to ensure that Section 106 requirements will be fulfilled for the studies Environmental Assessment. Information is presented on the proposed project, the Area of Potential Effects (APE), cultural resources in the study area, investigations that have been conducted to identify historic properties, and potential project effects on these properties.

### Federal Interest

Federal interest in water resources development is established by law. Within the larger Federal interest in water resource development, the USACE is authorized to carry out projects in seven mission areas: navigation, flood damage reduction, ecosystem restoration, hurricane and storm damage reduction, water supply, hydroelectric power generation and recreation. Ecosystem restoration projects improve ecosystem structure and function.

The River Road area is one of the last remaining unchannelized segments of the San Antonio River. The study area is part of an interconnected system of USACE ecosystem restoration projects in the San Antonio area including the Eagleland, Mission Reach, and Westside Creeks ecosystem restoration projects within the San Antonio Channel Improvement Project. The Central Flyway passes through the San Antonio area, including the San Antonio River, which functions as productive stopover habitat for the migratory populations. This study, along with the previously mentioned connected studies, would increase the quality of the degraded habitats already utilized by these and other species.

## Project Purpose

The study is being performed under the standing authority of the USACE CAP Section 206 of the Water Resources Development Act (WRDA) of 1996, as amended (335 U.S Code 2201). The primary purpose of the study is to investigate and determine modifications that would restore degraded ecological structure and function to aquatic and riparian habitat on the River Road reach of the San Antonio River. This includes assessing opportunities, evaluating alternatives, and selecting a plan from those alternatives. The selected plan must be technically sound, environmentally acceptable, economically feasible, and supported by the local sponsor, the San Antonio River Authority, and the Federal Government. The need is to address current erosion, sedimentation, and altered hydrology in the study area that has caused the degraded ecological structure.

## Alternatives

Measures used to formulate alternatives included both nonstructural and structural measures, as well as a No Action Alternative. Nonstructural measures included native species planting, invasive species removal, and controlled public access. Structural measures included road modifications, nesting structures-platforms, instream structures, channel shaping, bar/island modifications, low water crossing modifications, pulse flows, off channel wetland design, and geolifts. Recreational measures were considered and were evaluated for the Tentatively Selected Plan (TSP). Measures were evaluated to determine if they addressed study objectives and remained within the study scope. Those measures that did not address objectives were dropped from the alternative formulation. Remaining measures were grouped together to form discrete alternatives to address specific needs in the study area. Alternatives were screened and scales were added to each alternative to capture differing levels of benefits. The alternatives were evaluated and analyzed to determine costs and benefits. The alternatives were then combined to form Alternative Plans. Evaluation of the alternatives and plans relied largely on available existing information. Plans were then evaluated based on economic and environmental benefits to determine the TSP.

## Tentatively Selected Plan

The TSP removes the three low water crossings and replaces those structures with a pedestrian bridge. The removal of the low water crossings significantly improves stream flow and habitat connectivity. The lack of an immovable structure will address the problems of erosion and poor sediment transport within the study area. The river has been channelized and allows an equal distribution of water. This plan will support the ecosystem restoration objectives of the project by addressing the lack of aquatic shading, reduced natural material inputs, lack of stratification of vertical structure, lack of terrestrial shading, and lack of soft and hard mast diversity.

The TSP incorporates the complete removal of the adjacent Avenue A. This site will be restored using native vegetation and non-native invasive species removal. Increased vegetative cover will reduce nonpoint source pollution and the intensity of stormwater runoff by capturing and storing rainfall in the canopy and releasing water into the atmosphere through evapotranspiration. Trees, shrubs, and herbaceous species will also slow and temporarily store runoff, which further promotes filtration and can decrease downstream flooding and erosion impacts. The reduction of impervious surfaces will also add to the ancillary water quality benefits, by replacing those surfaces with vegetation increasing shade, biodiversity, and habitat quality. Restoration of Avenue A will also restrict vehicular access adjacent to the river, which will terminate one of the significant problems addressed by this study.

The TSP includes the restoration of adjacent Davis Park that will provide increased vertical structure diversity in an area that is dominated by non-native vegetation. The efforts conducted within Davis Park should assist in filtering storm and runoff drainage from adjacent businesses and impervious surfaces before entering the San Antonio River. Increased vegetative cover and diversity will provide high quality habitat for local and migratory birds and wildlife.

### Existing Conditions

The study area is located in the River Road area of the San Antonio River in San Antonio, Texas. The project site spans approximately 3700 feet of the river between East Mulberry Avenue and U.S. Highway 281 and is bound by Avenue A and River Road to the east and west, respectively. This area is one of the last remaining unchannelized segments of the upper San Antonio River. The review of the THC Atlas database revealed numerous prior terrestrial cultural resource investigations within the study area. There are four previously recorded terrestrial archeological sites, and three historic resources, within the study area. The dozens of archeological studies conducted in the vicinity of the project footprint have demonstrated a nearly uninterrupted sequence of occupation beginning with the Late Paleo-Indian Period and extending to the Protohistoric Period. Overall, the east bank of the San Antonio River south of Mulberry Avenue is dominated by relatively undisturbed archeological deposits that reach from the surface to over two meters below the surface. Nonetheless, most of the archeological deposits in the immediate vicinity of the project area have not been extensively studied.

Paso de Tejas, a historic period crossing, connects the two banks of the river. Brackenridge Park itself is a listed Historic District in the National Register of Historic Places (NRHP), and there are several other Historic Districts surrounding the park. The park is also a State Archeological Antiquities Landmark under the Antiquities Code of Texas. Any impacts to an archeological site, historic

structure, or historic resource must be evaluated in the context of the Historic District(s) as a whole.

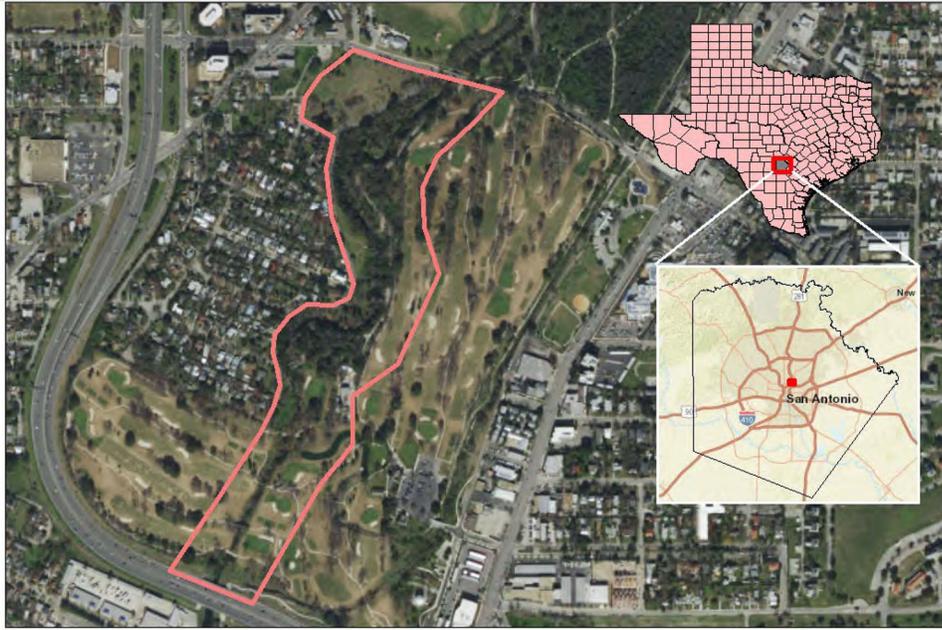
Table 1. Previously-recorded archeological sites, historic districts, and NRHP-listed properties.

<b>Site Number</b>	<b>National Register of Historic Places Eligibility</b>	<b>Cultural Affiliation</b>
41BX13	Eligible	Prehistoric & Protohistoric
41BX264	Undetermined	Prehistoric
41BX293	Undetermined	Prehistoric
41BX1396	Eligible	Prehistoric
Paso de Tejas	Undetermined	Historic
Brackenridge Park Historical District	Eligible, NRHP Listed	Multicomponent
River Road Local Historic District	Undetermined	Historic

Area of Potential Effects and Scope of Work

Based on the current information for the proposed construction activities associated with the TSP, there is a potential to affect historic properties. These effects consist of direct impacts from earth moving and excavation activities related to construction. The USACE recommends intensive cultural resources investigations to identify and evaluate any historic properties within proposed construction areas. The scope of these investigations will be determined in concert with the Texas State Historic Preservation Officer and appropriate Native American Tribes in accordance with the Programmatic Agreement for this project.

# STUDY AREA



## Legend

 Study Area



River Road Study Area  
San Antonio, Texas  
July 2019

0 0.075 0.15 0.3 Miles



Preliminary APE

**APPENDIX B**

The following Interested Parties and Tribal Nations are Consulting Parties to this PA:

The Kiowa Tribe of Oklahoma  
P.O. Box 369  
Carnegie, OK 73015

The Apache Tribe of Oklahoma  
511 East Colorado  
Anadarko, OK 73005

The Tonkawa Tribe of Oklahoma  
1 Rush Buffalo Road  
Tonkawa, OK 74653

The Comanche Nation  
Tribal Historic Preservation Officer  
P.O. Box 908  
Lawton, OK 73502

Brackenridge Park Conservancy  
PO Box 6311  
San Antonio, TX 78209-6341