



**US Army Corps  
of Engineers** ®  
Fort Worth District

# Public Notice

Subject: Announce proposed adverse effects to  
historic properties associated with the Lake  
McQueeney Dam and Lake Placid Dam  
Date: July 22, 2022

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SUBJECT: The U.S. Army Corps of Engineers, Fort Worth District (USACE) Regulatory Division is issuing this Public Notice to announce proposed adverse effects to historic properties associated with USACE project numbers SWF-2021-00376, Lake McQueeney Spillgate Replacement and Dam Armoring; and SWF-2021-00377, Lake Placid Spillgate and Dam Armoring. The Guadalupe-Blanco River Authority proposes to modify two National Register of Historic Properties (NRHP) eligible historic dams (resources TP-3 and TP-4). The modification of the NRHP eligible resources TP-3 and TP-4 would result in the discharge of dredged or fill material into waters of the United States which requires authorization under Section 404 of the Clean Water Act.

USACE is identifying organizations and individuals who may have an interest in the projects and the proposed effects on resources TP-3 and TP-4. The enclosed adverse effect determination letter and draft Programmatic Agreement for treatment of adverse effects are being provided for potential Consulting Parties in the Section 106 process. Your views will be actively sought and considered during the process.

If you have questions or interest to participate as a Consulting Party in the Section 106 process for these projects, please contact Jimmy Barrera at (817) 886.1838 or [james.e.barrera@usace.army.mil](mailto:james.e.barrera@usace.army.mil).



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT  
P. O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

July 22, 2022

Regulatory Division

Subject: SWF-2021-00376, Lake McQueeney Spillgate Replacement and Dam Armoring; and  
SWF-2021-00377, Lake Placid Spillgate and Dam Armoring

Mr. Mark Wolfe  
State Historic Preservation Officer  
Texas Historical Commission  
Submitted via eTRAC

Dear Mr. Wolfe:

This letter addresses cultural resource concerns with Section 404 of the Clean Water Act for permit applications associated with a proposal by Guadalupe-Blanco River Authority (Applicant) to replace all spill gates, concrete armor, replace a suspension bridge, stabilize banks, and draw down lake levels for the Lake McQueeney Dam and the Lake Placid Dam located along the Guadalupe River in Guadalupe County, Texas (Projects). The Lake McQueeney Spillgate Replacement and Dam Armoring project has been assigned project number SWF-2021-00376. The Lake Placid Spillgate and Dam Armoring project has been assigned project number SWF-2021-00377. Please include these project numbers in all correspondence concerning these projects.

The U.S. Army Corps of Engineers, Fort Worth District (USACE) reviewed the Projects in accordance with 33 CFR 325, Appendix C (Processing Department of Army Permits: Procedures for the Protection of Historic Properties; Final Rule 1990; with current Interim Guidance documents dated April 25, 2005, and January 31, 2007) and 36 CFR 800 to ensure compliance with Section 106 of the National Historic Preservation Act.

In August of 2021 USACE met with the Applicant and their consultant team and provided guidance on avoidance and minimization considerations for the Section 106 process including time frames if adverse effects to historic properties would result from the proposed Projects. On September 10, 2021, the USACE received preliminary draft cultural resource scopes of work (SOWs) titled "*Cultural Resources Survey for the Lake McQueeney Dam Rehabilitation Project, Guadalupe County, Texas*", and "*Cultural Resources Survey for the Lake Placid Dam Rehabilitation Project, Guadalupe County, Texas*" from SWCA Environmental Consults (SWCA). The USACE provided comments on the preliminary draft SOWs on September 29, 2021, that importantly required clarification from the Applicant about the proposed area of potential effects (APE) for both indirect and direct effects. On February 4, 2022, USACE received revised final draft SOWs addressing USACE comments on the preliminary draft SOWs. The Texas Historical Commission (THC) provided concurrence with the revised final draft SOWs on February 28, 2022.

On April 15, 2022, USACE received the preliminary draft archeological reports for the proposed Projects from SWCA. On April 29, 2022, USACE received the preliminary draft architectural reports for the proposed Projects from SWCA. On April 29, 2022, USACE provided comments on the preliminary draft archeological reports. On May 3, 2022, USACE notified the Applicant that USACE concurred with the recommendations of eligibility and effects within the preliminary draft architectural reports. On May 13, 2022, the THC provided concurrence with the preliminary draft archeological and architectural reports. On May 31, 2022, USACE received revised final draft archeological reports for the Projects. On May 31, 2022, USACE received a final draft architectural report for the Lake Placid Dam project.

Archeological resources within the Projects include sites 41GU233 and 41GU234, which are both historic archeological sites recorded in the direct and indirect APE of the Lake McQueeney Dam project. Site 41GU233 is a mid-to-late 19th century historic artifact scatter with a hand dug well indicating long-term residence, and 41GU233 might be associated with the paralleling Union Pacific Railroad based on the presence of a railroad spike in the assemblage. SWCA recommended site 41GU233 as not eligible for the National Register of Historic Places (NRHP) within the direct effects APE; and SWCA recommended that site 41GU233 is undetermined for the NRHP within the indirect APE which includes a hand-dug rock well feature inside the site boundary. SWCA recommends minimizing effects to the portion of 41GU233 with undetermined eligibility for the NRHP by erecting high visibility fencing along the direct effects workspace and by placing geotextile fabric along the access roadway parallel to the portion that is undetermined for the NRHP. Site 41GU234 is an early 20th century historic scatter that is recommended not eligible for the NRHP. Finally, one prehistoric open campsite, site 41GU232, was recorded in the direct APE for the Lake Placid Dam project, with a recommendation of not eligible for the NRHP.

SWCA recorded architectural resources of historic age within the Projects including the ca. 1928 Lake McQueeney Dam referred to as resource TP-3, the ca. 1932 Lake Placid Dam referred to as resource TP-4, an additional 14 historic resources in the Lake McQueeney Dam indirect effects APE, and an additional seven historic resources in the Lake Placid Dam indirect effects APE. SWCA recommends the Lake McQueeney Dam (resource TP-3) as eligible for the NRHP and an adverse effect to a historic property. SWCA recommends the Lake Placid Dam (resource TP-4) as eligible for the NRHP and an adverse effect to a historic property. One resource (Resource 13) of the 14 historic age resources in the Lake McQueeney Dam indirect effects APE was recommended as eligible for the NRHP with an effect recommendation of no adverse effect to historic properties; the remaining thirteen historic resources in the Lake McQueeney Dam indirect APE were recommended as not eligible for the NRHP. The seven historic age resources in the indirect effects APE for the Lake Placid Dam were all recommended as not eligible with no effect to historic properties.

By this letter, USACE is providing the official NRHP eligibility for resources within the direct effects APE and effects determination for resources within the direct and indirect effects APE. The USACE is also enclosing a draft Programmatic Agreement (PA) to guide the resolution of adverse effects to the Lake McQueeney Dam and Lake Placid Dam Projects.

USACE must conclude the Section 106 process before issuance of permits for the proposed Projects. The proposed activity in waters and associated uplands requiring USACE permits are the undertakings under Section 106 of the National Historic Preservation Act.

The direct effect APE for the two project areas including all temporary and permanent workspaces required for the Lake McQueeney Dam and Lake Placid Dam including spill gate replacements, concrete armoring, replacing a suspension bridge, lake draw down and associated effects, and bank stabilization; and the indirect effects APE for the two project areas includes a 600-foot buffer around the direct effects APE. The known historic properties within the APE are the Lake McQueeney Dam (resource TP-3), the Lake Placid Dam (resource TP-4), and Resource 13 inside the Lake McQueeney Dam indirect effects APE.

Based on the reports and recommendations USACE received from SWCA, the USACE has determined that the Lake McQueeney Dam (resource TP-3) is **eligible** for listing to the NRHP per Criterion A and C and that the Lake Placid Dam (resource TP-4) is **eligible** for listing to the NRHP per Criterion A and C. Additionally, USACE has determined that the proposed effects from the Projects are an **adverse effect** to the Lake McQueeney Dam and to the Lake Placid Dam as defined by 36 CFR 800.5(1). USACE has also determined that the undertaking will have no adverse effect on Resource 13 within the Lake McQueeney Dam indirect effect APE.

USACE will invite consulting parties to seek ways to avoid, minimize or mitigate adverse effects as the result of this undertaking. Thank you for providing a list of suggested consulting parties in the THC's July 21, 2020, email. USACE plans to involve the public including a public notice on the Fort Worth District website that will solicit feedback to be shared with the consulting parties. Enclosed is a draft PA that provides a framework for consultation with your office and other consulting parties to develop stipulations that will minimize or mitigate the adverse effects to historic properties.

Please direct any questions you may have about this matter to Mr. Jimmy Barrera at (817) 886-1838 or [james.e.barrera@usace.army.mil](mailto:james.e.barrera@usace.army.mil).

Sincerely,

For: Brandon W. Mobley  
Chief, Regulatory Division

Enclosures

Copy Furnished:

Dr. John Eddins  
Advisory Council on Historic Preservation  
[e106@achp.gov](mailto:e106@achp.gov)

Ms. Caitlin Brashear  
Texas Historical Commission  
[Caitlin.Brashear@thc.texas.gov](mailto:Caitlin.Brashear@thc.texas.gov)

Ms. Ashley Salie  
Texas Historical Commission  
[Ashley.Salie@thc.texas.gov](mailto:Ashley.Salie@thc.texas.gov)

Mr. Jeff Durst  
Texas Historical Commission  
[Jeff.Durst@thc.texas.gov](mailto:Jeff.Durst@thc.texas.gov)

Mr. Charles Hickman  
Guadalupe-Blanco River Authority  
[chickman@gbra.org](mailto:chickman@gbra.org)

Mr. Tom DeKunder  
Guadalupe County Historical Commission  
[GCHC@guadhistorical.com](mailto:GCHC@guadhistorical.com); [dekunder@att.net](mailto:dekunder@att.net)

Mr. Kyle Kramm  
City of Seguin  
[kkramm@sequintexs.gov](mailto:kkramm@sequintexs.gov)

Ms. Mary Jane Windle  
Seguin Conservation Society  
[mjewindle@gmail.com](mailto:mjewindle@gmail.com)

Seguin Guadalupe County Heritage Museum  
[Heritagemuseum1898@gmail.com](mailto:Heritagemuseum1898@gmail.com)

**PROGRAMMATIC AGREEMENT**  
**AMONG**  
**THE UNITED STATES ARMY, CORPS OF ENGINEERS, FORT WORTH DISTRICT,**  
**THE TEXAS STATE HISTORIC PRESERVATION OFFICER,**  
**AND GUADALUPE-BLANCO RIVER AUTHORITY,**  
**REGARDING THE LAKE MCQUEENEY SPILLGATE REPLACEMENT AND DAM**  
**ARMORING AND THE LAKE PLACID SPILLGATE AND DAM ARMORING**  
**LOCATED IN GUADALUPE COUNTY, TEXAS**

**Permit Numbers: SWF-2021-00376 and SWF-2021-00377**

**WHEREAS**, the United States Army Corps of Engineers, Fort Worth District (USACE), the lead Federal agency, is reviewing two permit applications under Section 404 of the Clean Water Act to authorize dredge and fill activities for modification of the Lake McQueeney Spillgate Replacement and Dam Armoring project and the Lake Placid Spillgate and Dam Armoring project (Projects) by Guadalupe-Blanco River Authority (GBRA) in Guadalupe County (Reference Attachment A); and

**WHEREAS**, these Projects require a USACE permit in compliance with Section 404 of the Clean Water Act; and

**WHEREAS**, these two activities requiring USACE permits pursuant to Section 404 of the Clean Water Act constitute undertakings (Undertakings) under Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended); and

**WHEREAS**, the USACE, in consultation with the Texas State Historic Preservation Officer (SHPO), considered the potential effects of the Projects as provided in 33 CFR 325, Appendix C and 36 CFR 800 and established an Area of Potential Effects (APE) for direct and indirect effects to include these Projects, associated temporary and permanent workspace, and impacts to waters of the U.S.; and

**WHEREAS**, on behalf of GBRA, SWCA Environmental Consultants completed cultural resource surveys titled *Historic Resources Survey of the Lake McQueeney Spillgate Replacement and Dam Armoring Project, Seguin, Guadalupe County, Texas*, dated April, 2022, and *Historic Resources Survey of the Lake Placid Spillgate Replacement and Dam Armoring Project, Seguin, Guadalupe County*, dated April, 2022, which recommended the Lake McQueeney Dam (resource TP-3) and Lake Placid Dam (resource TP-4) as eligible for the National Register of Historic Places (NRHP), and recommended the Projects effect as adverse; and,

**WHEREAS**, the USACE concurred with the SWCA eligibility and effect recommendations and the SHPO have concurred with the USACE determination that the proposed effect to these Projects as a result of the Undertakings is adverse , and:

**WHEREAS**, USACE and the SHPO invited GBRA to participate in the consultation and to join this Programmatic Agreement (PA) as an Invited Signatory; and

**WHEREAS**, the USACE has consulted with the Guadalupe County Historical Commission, City of Seguin, Seguin Conservation Society, and the Seguin Guadalupe County Heritage Museum, and invited them to sign this PA as concurring parties; and

**WHEREAS**, USACE, in accordance with 33 CFR 325, Appendix C(2) and 36 CFR 800.2(c), the USACE has provided consulting parties with documentation regarding findings of the adverse effects, sought their views on the proposed effects to these Projects, and provided them with the proposed mitigation measures (as well as the public outreach component), including review of this PA; and

**WHEREAS**, USACE, in accordance with 33 CFR 325, Appendix C(7)(d) and 36 CFR 800.6(a)(1), notified the ACHP of its adverse effect determination with specified documentation, and the ACHP chose not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and,

**WHEREAS**, the USACE, the SHPO, and GBRA agreed to accomplish compliance with Section 106 through the development and execution of this PA, and to ensure that GBRA provides mitigation for the adverse effects to the Projects as outlined in the stipulations of this PA, and this PA will be a permit condition for any USACE permit issued for the Project; and

**NOW, THEREFORE**; the USACE, the SHPO, and GBRA agree that these Projects shall be implemented in accordance with the following stipulations in order to take into account the adverse effects to satisfy the USACE's Section 106 responsibilities for these Projects.

## **STIPULATIONS**

The USACE will ensure that the following stipulations are carried out by GBRA to mitigate adverse effects to the Projects resultant from the Undertakings.

### **I. MONITORING**

- a. GBRA shall ensure that a qualified archeologist with a minimum of five years of professional experience performs the archeological monitoring in areas of the APE as required by USACE and the SHPO. The SHPO shall issue an archeological permit for monitoring of the APE during periods of lake level lowering as related to the Lake McQueeney Spillgate Replacement and Dam Armoring project.

### **II. MINIMIZATION AND MITIGATION**

#### **TO BE DETERMINED IN CONSULTATION**

#### **A. Minimization.**

- a. GBRA shall ensure that minimization efforts are performed during all construction activities within 100 feet of site 41GU233. These minimization details include erecting high visibility fencing along the access road through site 41GU233 and laying geotextile along the access road through site 41GU233 to ensure inadvertent impacts to portions of this site that have an undetermined eligibility for listing to the NRHP are avoided.

b.

c.

#### **B. Mitigation**

- a. If previously unknown eligible archaeological resources are discovered during archeological monitoring and will be adversely effected by the undertaking, GBRA will complete mitigation-level documentation, excavation, and/or archival research as appropriate to mitigate adverse effects. A separate Research Design shall be developed and approved by USACE and SHPO for mitigation of adverse effects of previously unidentified prehistoric or historic features.

b.

c.

### III. CURATION AND DISPOSITION OF MATERIALS, RECORDS AND REPORTS

- A. *Curation.* GBRA shall ensure that materials and associated records as required for mitigation in this PA, are accessioned into a curatorial facility that has been certified, or granted provisional status, by the SHPO in accordance with Chapter 29.6 of the Texas Historical Commission rules (Rules of Management and Care of Artifacts and Collections).
- B. *Reports.* GBRA shall provide copies of final documentation as required for mitigation to the signatories and consulting parties. The signatories and consulting parties shall withhold from the public all site location information and other data that may be of a confidential or sensitive nature pursuant to 33 CFR 325, Appendix C(4)(c) and 36 CFR 800.11(c).

### IV. PROFESSIONAL QUALIFICATIONS

All historic preservation-related investigations and mitigation requirements specified in this Agreement shall be performed by personnel meeting professional qualifications of the Secretary of the Interior's *Professional Qualification Standards* (36 CFR 61) in historic architecture and archeology.

### V. DISPUTE RESOLUTION

Should any Signatory to this PA object within thirty (30) calendar days upon receipt of any plans or other documents, pursuant to this PA, provided by USACE, the SHPO, GBRA, or others for review, or object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the objector is encouraged to consult the other signatories in resolving the objection. If the USACE determines that such objection cannot be resolved, USACE shall perform the following tasks.

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



- C. The parties shall carry out all other actions subject to the terms of this PA that are not the subject of the dispute.
- D. At any time during the implementation of the measures stipulated in this PA is raised by interested persons, then USACE shall consider the objection and consult, as appropriate, with the objecting party and the consulting parties to attempt to resolve the objection.

#### **VI. DURATION, AMENDMENT, AND TERMINATION:**

- A. **DURATION.** Unless terminated or amended as outlined below, this Agreement shall remain in effect for a period of five (5) years from the date the PA goes into effect and may be extended for an additional 5-year term with the written consent of all the signatories.
- B. **AMENDMENT.** This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
- C. **TERMINATION.** Any Signatory to this agreement may terminate this PA by providing thirty (30) calendar days written notice to the other Signatories, pursuant to 36 CFR 800.6(c)(8). During the period after notification and prior to termination, the Signatories shall consult to seek agreement on amendments or other actions that would avoid termination. Termination of this PA will require compliance with 36 CFR 800. This PA may be terminated by the execution of a subsequent PA that explicitly terminates or supersedes its terms.

#### **VII. REPORTING AND MONITORING:**

Each year following the execution of the PA until it expires or it is terminated, GBRA shall provide all parties to this PA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in GBRA's efforts to carry out the terms of the PA.

#### **VIII. EXECUTION:**

Signature of this Programmatic Agreement by the USACE, the SHPO, GBRA, and implementation of its terms evidence that the USACE has taken into account the effects of this Project on historic properties and afforded the ACHP an opportunity to comment. Pursuant to 36 CFR 800.6(b)(1)(iv) this Agreement will go into effect when a fully executed version is received by the ACHP.

**PROGRAMMATIC AGREEMENT**  
**AMONG**  
**THE UNITED STATES ARMY, CORPS OF ENGINEERS, FORT WORTH DISTRICT,**  
**THE TEXAS STATE HISTORIC PRESERVATION OFFICER,**  
**AND GUADALUPE-BLANCO RIVER AUTHORITY,**  
**REGARDING THE LAKE MCQUEENEY SPILLGATE REPLACEMENT AND DAM**  
**ARMORING AND THE LAKE PLACID SPILLGATE AND DAM ARMORING**  
**LOCATED IN GUADALUPE COUNTY, TEXAS**

Permit Numbers: SWF-2021-00376 and SWF-2021-00377

**SIGNATORY:**

United States Army, Corps of Engineers, Fort Worth District

\_\_\_\_\_  
Brandon W. Mobley, Chief, Regulatory Division

Date \_\_\_\_\_

**PROGRAMMATIC AGREEMENT**  
**AMONG**  
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Permit Numbers: SWF-2021-00376 and SWF-2021-00377

**SIGNATORY:**

Texas State Historic Preservation Office

\_\_\_\_\_  
Mark Wolfe, State Historic Preservation Officer

Date \_\_\_\_\_

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Permit Numbers: SWF-2021-00376 and SWF-2021-00377

**INVITED SIGNATORY:**

Guadalupe-Blanco River Authority

\_\_\_\_\_  
Charles Hickman, Executive Manager of Engineering

Date \_\_\_\_\_

**PROGRAMMATIC AGREEMENT**  
**AMONG**  
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**CONCURRING PARTY:**

Guadalupe County Historical Commission

\_\_\_\_\_  
Tom DeKunder, Chairman

Date \_\_\_\_\_

**PROGRAMMATIC AGREEMENT**  
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Permit Numbers: SWF-2021-00376 and SWF-2021-00377

**CONCURRING PARTY:**

City of Seguin

\_\_\_\_\_  
Kyle Kramm, Main Street Director & Historic Preservation Officer

\_\_\_\_\_  
Date

**PROGRAMMATIC AGREEMENT**  
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**THE TEXAS STATE HISTORIC PRESERVATION OFFICER,**  
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Permit Numbers: SWF-2021-00376 and SWF-2021-00377

**CONCURRING PARTY:**

Seguin Conservation Society

\_\_\_\_\_  
Mary Jane Windle, Board Member

Date \_\_\_\_\_

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**CONCURRING PARTY:**

Seguin Guadalupe County Heritage Museum

\_\_\_\_\_  
{Insert Name and Title}

Date \_\_\_\_\_



## Attachment A

Historic Resources Survey of the Lake McQueeney Spillgate Replacement and Dam Armoring Project, Seguin, Guadalupe County, Texas

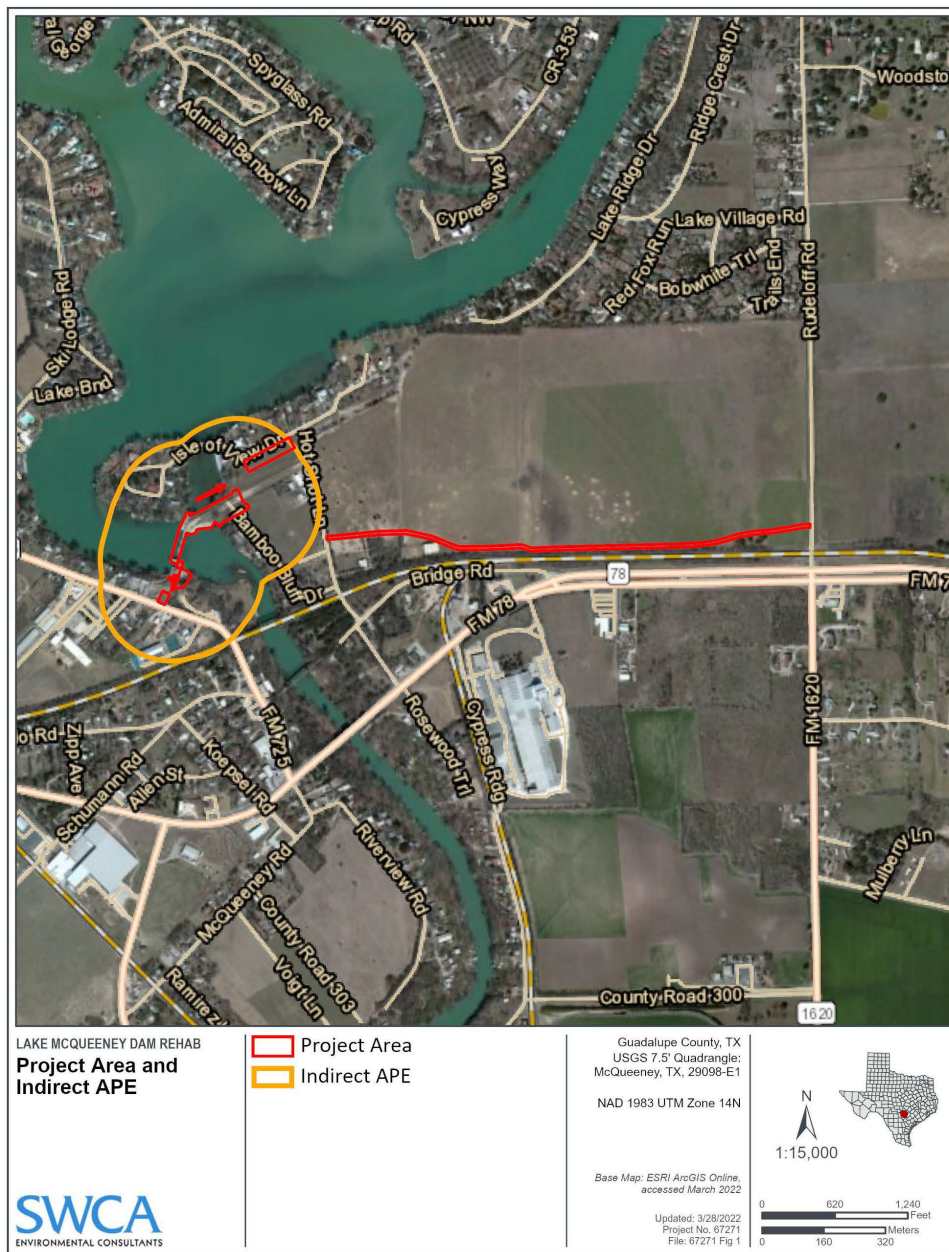


Figure 2. The direct and indirect APEs for the proposed project.

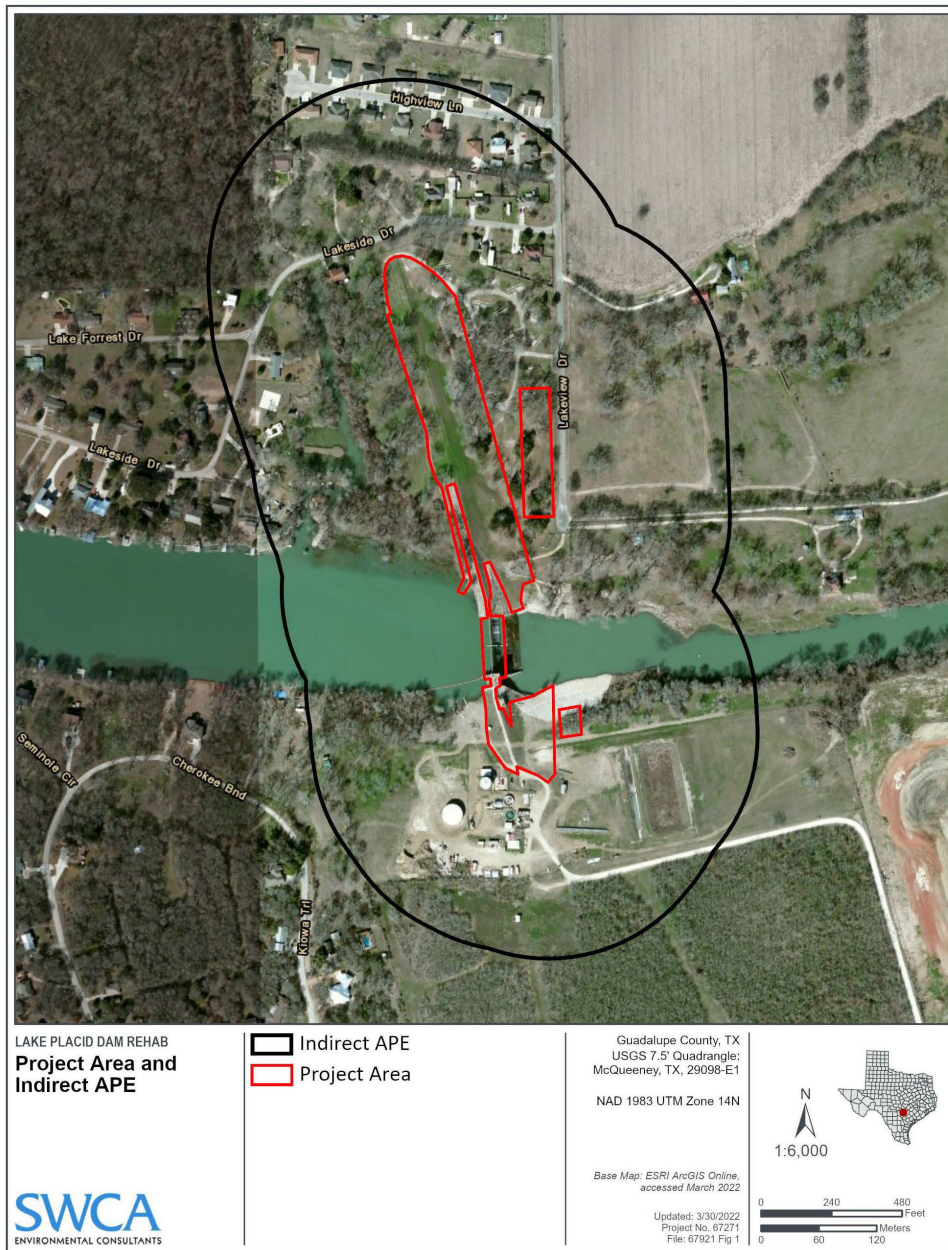


Figure 2. Direct and indirect APEs for the proposed project.