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## Final Report: Intensive Archeological Survey for the Proposed Rockport Center for the Arts, Aransas County, Texas

Scotty Moore

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## Final Report: Intensive Archeological Survey for the Proposed Rockport Center for the Arts, Aransas County, Texas

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# Final Report: Intensive Archeological Survey for the Proposed Rockport Center for the Arts, Aransas County, Texas



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*under*  
Antiquities Permit 9305

*For:*  
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638 Market St.  
Rockport, Texas 78382

Cox|McLain Environmental Consulting Inc. Archeological Report 295  
(CMEC-AR-295)



May 15, 2020

This report has had sensitive information redacted and is for public inspection.

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## Management Summary

In March 2020, an intensive archeological survey was completed in order to inventory and evaluate archeological resources within the proposed footprint of a new Center for the Arts, Performing Arts, and Conference Center in Aransas County, Texas.

The project is owned and sponsored by the Rockport Center for the Arts. The project area lies adjacent to the Kline's Café Building, which has been determined eligible for inclusion on the National Register of Historic Places (NRHP). Under the current preferred alternative, the Kline Café will be relocated to a location outside of the project area. This action is considered "an adverse effect" and triggers a review under Section 106 of the National Historic Preservation Act, as amended. The project has an additional federal nexus since it will be undertaken using federal funds from the Economic Development Administration. The project will include the lease of approximately 0.22 acres of City of Rockport-owned right-of-way along E. North Street. As a result, the project is also subject to the Texas Antiquities Code. Texas Antiquities Permit #9305 was assigned to this project by the Texas Historical Commission.

The project area was subjected to an intensive pedestrian survey augmented with the excavation of shovel test units. The survey was carried out by Scotty Moore (Principal Investigator) and Austin Blase of Cox|McLain Environmental Consulting, Inc. on March 6, 2020. Shovel test unit placement was determined based on ground surface visibility, the presence of soils having sufficient depth and integrity to contain intact subsurface cultural materials, and previous disturbances encountered. In all, 9 shovel test units were excavated across the APE in areas that lacked clear evidence of significant ground disturbance or impenetrable surfaces (e.g., asphalt pads, concrete foundations).

Pedestrian survey revealed that the entire approximately 1.0-acre (0.4 hectare) archeological area of potential effects (APE) has been subjected to significant anthropogenic alteration associated with more than a century of low-density urban development. It has been further disturbed by the impacts of storm surges and flood events associated with high-energy events such as Hurricane Harvey. Survey revealed the remnants of two historic-age foundations within the southern half of the APE that were associated with an approximately 40-centimeter-thick (15.8-inch-thick) mixed deposit of historic-age debris consisting of glass, metal, ceramic, and dietary faunal bone. Collectively, these deposits and features have been designated a new archeological site: 41AR120. Due to the impacts of multiple and substantial disturbance events, the cultural materials associated with this site lack integrity of association and are recommended as ineligible for inclusion on the National Register of Historic Places. Due to the mixed nature of subsurface deposits, the research potential for this site is low. As a result, no further archeological work within this project area is recommended.

The historic-age Kline Café is surrounded by extensively disturbed sediments that lack evidence of intact buried cultural resources deposits. The potential for buried resources underneath the building is considered low. Since the resource will be moved off-site and preserved, no further archeological work is recommended. The Texas Historical Commission concurred with this decision on April 8, 2020.

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## Table of Contents

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	Page
Management Summary .....	i
List of Figures .....	iii
List of Tables .....	iii
<b>1 INTRODUCTION.....</b>	<b>1</b>
Overview of the Project .....	1
Regulatory Context .....	1
Structure of the Report .....	3
<b>2 ENVIRONMENTAL AND CULTURAL CONTEXT .....</b>	<b>4</b>
Topography, Geology, and Soils.....	4
Vegetation, Physiography, and Land Use.....	4
Archeological Chronology for Coastal Texas .....	5
Previous Investigations and Previously Identified Resources .....	6
<b>3 RESEARCH GOALS AND METHODS .....</b>	<b>15</b>
Purpose of the Research.....	15
Section 106 of the National Historic Preservation Act .....	15
Antiquities Code of Texas.....	17
Survey Methods and Protocols.....	18
<b>4 RESULTS AND RECOMMENDATIONS .....</b>	<b>19</b>
General Field Observations and Results.....	19
Recommendations .....	21
<b>5 REFERENCES.....</b>	<b>30</b>

## LIST OF FIGURES

	Page
Frontispiece. Aerial view of downtown Rockport, circa 1940.....	cover
Figure 1. Project Location.....	2
Figure 2. Location of Archeological APE.....	5
Figure 3. Sanborn Insurance Map (1894).....	10
Figure 4. Sandborn Insurance Map (1914).....	11
Figure 5. Surveyor's Map of Rockport (1939).....	11
Figure 6. PLAT MAP of Aransas County Navigation District No. 1 (1945).....	12
Figure 7. R.R. Riceboat Works Map (1952).....	13
Figure 8. 1958 Southern Pacific Staton Map.....	13
Figure 9. Photograph of Downtown Rockport (circa 1960).....	14
Figure 10. Survey Results.....	20
Figure 11. View of southern half of APE, facing southeast.....	21
Figure 12. View of Northern Half of APE, Facing northwest.....	21
Figure 13. View of Kline Building from within APE, facing north.....	22
Figure 14. View of ground disturbance adjacent to Kline's Building, facing southwest.....	22
Figure 15. View of Shovel Test Unit SM02.....	23
Figure 16. Sketch map of Site 41AR120.....	24
Figure 17. View of Feature 1, Facing west.....	25
Figure 18. View of Feature 1.1, facing west.....	25
Figure 19. View of Feature 2, facing north.....	26
Figure 20. Sample of artifacts observed on surface.....	27
Figure 21. Sample of artifacts observed in shovel test units.....	27

## LIST OF TABLES

Table 1: Archeological Chronology for Coastal Texas.....	6
Table 2: Property ownership information for Site 41AR120.....	30

## APPENDICES

Appendix A: Shovel Test Excavation Results.....	A-1
Appendix B: Regulatory Correspondence.....	B-1

# 1 INTRODUCTION

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## Overview of the Project

The purpose of the investigation described in this document is to identify cultural resources within the project footprint of the proposed development of a new Center for the Arts, Performing Arts, and Conference Center in Rockport, Aransas County, Texas. In cooperation with the City of Rockport, the Rockport Center for the Arts (RCA) intends to reconstruct and expand the previous arts center that was completely destroyed by Hurricane Harvey. The project not only includes reconstruction and expansion of space, but also significantly increases programming available to visitors. The building footprint, which originally supported the arts, art education, and humanities, was 5,600 square feet; this building has been demolished. The proposed buildings will be approximately 23,100 square feet with added facilities to include performing arts, mixed use, and conference space. The facility will be constructed at a new, strategic site located at 204 S. Austin Street in the Cultural Arts District, Downtown, and Harbor front (**Figure 1**).

An intensive archeological survey augmented with the excavation of shovel test units was conducted within the total 1.0-acre (0.4 hectare) archeological area of potential effects (APE) in order to identify cultural resources. Scotty Moore (Principal Investigator) and Austin Blase of Cox|McLain Environmental Consulting, Inc. (CMEC) performed fieldwork on March 5, 2020. In all, 9 shovel test units were judgmentally placed within the APE based on observed disturbance levels, ground surface visibility, and guidelines established by the Council of Texas Archeologists (CTA) and approved by the Texas Historical Commission (THC).

## Regulatory Context

The project is owned and sponsored by the RCA. The project area lies adjacent to the Kline's Café, which has been determined eligible for inclusion on the National Register of Historic Places (NRHP). Under the current preferred alternative, the Kline's Café building will be relocated to a location outside of the project area. This action is considered "an adverse effect" and triggers a review under Section 106 of the National Historic Preservation Act, as amended. The project has an additional federal nexus since it will receive federal funds from the Economic Development Administration. The project will include the lease of approximately 0.22 acres of City of Rockport-owned right-of-way along E. North Street. As a result, the project is also subject to the Texas Antiquities Code.

One new archeological site (41AR120) was recorded during survey but no artifacts were collected. All materials including notes, field forms, photographs, administrative documents, and other project data generated from this work will be curated at Center for Archaeological Studies at Texas State University in San Marcos, per 13 TAC 26.16 and 26.17.



**Figure 1.**  
**Project Location (Road Base)**

Rockport Center for the Arts

 Project Location



**COX | McLain**  
 Environmental Consulting

0 800 Feet 1 in = 800 feet  
 0 225 Meters Scale: 1:9,600  
 Date: 3/5/2020

Basemap Source: Esri (2020)



## Structure of the Report

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

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## 2 ENVIRONMENTAL AND CULTURAL CONTEXT

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### Topography, Geology, and Soils

The APE sits at an elevation of approximately 5 feet (1.5 meters) above mean sea level within the city limits of Rockport in Aransas County (**Figure 2**). It falls within the Mid-Coast Barrier Islands and Coastal Marshes subregion of the Western Gulf Coastal Plain ecoregion, which is characterized by a nearly level, slowly drained plain less than 150 feet (45.7 meters) in elevation, dissected by streams and rivers flowing into the Gulf of Mexico. The region includes barrier islands along the coast, salt grass marshes surrounding bays and estuaries, remnant tallgrass prairies, oak parklands and oak mottes scattered along the coast, and tall woodlands in the river bottomlands (Griffith et al. 2004). The APE is located at the eastern margin of the City of Rockport, approximately 300 feet (91.4 meters) northwest of the coastline.

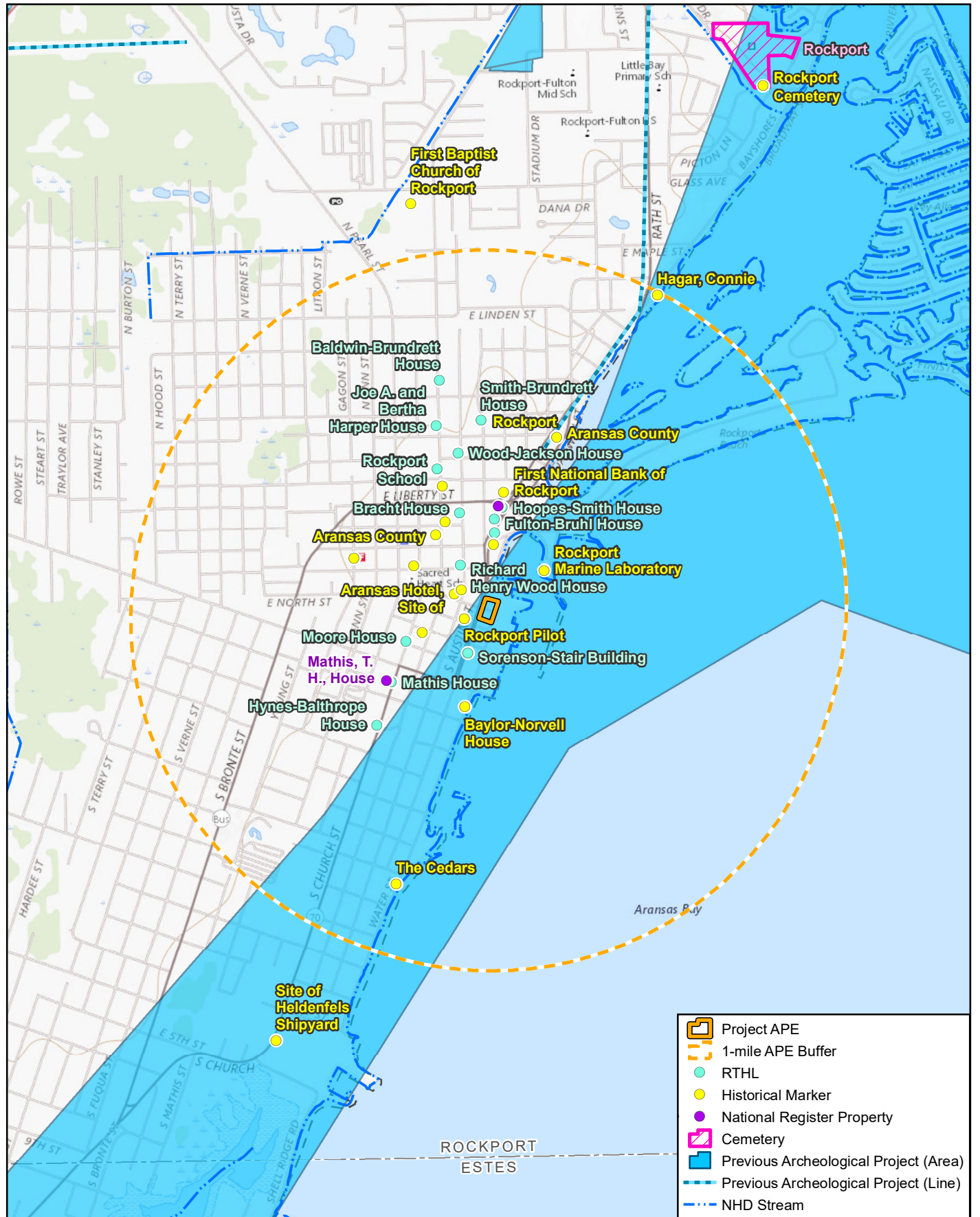
Geologically, the APE is underlain by the Pleistocene-age Beaumont Formation (Barrier Island and Beach Deposits), which is predominantly composed of fine-grained sand with some shell and is characterized by numerous pimple mounds and poorly defined relict beach ridges (United States Geological Survey [USGS] 2020a). The United States Department of Agriculture – Natural Resources Conservation Service (NRCS) Web Soil Survey shows that the APE is underlain by Mustang fine sand on 0 to 1 percent slopes. This soil series is associated with barrier flats and typically exhibits A horizons to a depth of 11 inches (28 centimeters) below surface underlain by a sequence of gleyed C horizons to a depth of 6.5 feet (2 meters; Soil Survey Staff 2020). No buried paleosols or A horizons are known to be associated with this soil series.

### Vegetation, Physiography, and Land Use

The Texas Parks and Wildlife Department's (TPWD) Texas Ecological Analytical Mapper describes the APE's habitat as approximately 57 percent low-density urban and 43 percent Deep Sand Grassland (TPWD 2020). The southern half of the APE is a vacant lot covered in sporadic, manicured grasses. The northern half of the APE is dominated by the extant Kline's Café building (previously in use as the Rockport Center for the Arts facility) and its associated asphalt parking lot.

### Archeological Chronology for Coastal Texas

The APE lies within the Central Texas Coast archeological region (Perttula 2004; Rickliss 2004), which has a cultural history extending back at least 8,000 years into the past. Human occupation of the area during these 8,000 years is divided into three broad periods: Archaic, Late Prehistoric, and Protohistoric/Historic. The periods are based on a proposed sequence of economic strategies identified in the archeological and historical records. These proposed shifts in dominant lifeways consider cultural, economic, and technological factors in order to provide a model useful for attempting to understand ancient and early historic populations. The dates assigned to the period



**Figure 2.**  
**Location of Archeological APE**

Rockport Center for the Arts

Data Sources: THC (2020), TARL (2020), NHD (2019)  
 Topographic Source: USGS Rockport (2013) and Estes (2013) 7.5' Quadrangles

G:\Projects\CityofRockport\RockportCenterfortheArts\RockportCenter\_Arch\_Figure 2\_APE\_20200713\_LG.mxd

**COX | McLAIN**  
 Environmental Consulting

0 2,000 Feet 1 in = 2,000 feet  
 0 500 Meters Scale: 1:24,000  
 Date: 7/13/2020

interfaces represent a generalized time range but are based on scientific results from archeological research. The dates presented in **Table 1** are derived from Perttula (2004). Further discussion of the prehistory of Southeast Texas is beyond the scope of this document. For such a discussion regarding the prehistoric record, the reader is referred to Ricklis (2004), and Weinstein (1992, 1994) among others.

Table 1: Archeological Chronology for the Central Texas Coast*	
Period	Years Before Present**
Archaic	
Early	7,500 – 6,000 B.P.
Late Early	6,000 – 4,200 B.P.
Middle	4,200 – 3,100 B.P.
Late	3,100 – 950 B.P.
Late Prehistoric	950 – 250 B.P.
Protohistoric	250 B.P.

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

## Previous Investigations and Previously Identified Resources

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

According to the Atlas, the APE lies within the 1927 project area attributed to George Martin and E.B. Sayles (see **Figure 2**). Although the Atlas refers to this project area as a “reconnaissance survey”, it more likely represents a series of avocational excavations that were sponsored by the Witte Museum and conducted by Martin at sites along the Texas Coast (Witte Museum 2020). No sites were identified by this project within the APE, which suggests that the APE was never actually subject to formal evaluation by this project. One other project, a linear survey conducted in 2004 for the Texas Department of Transportation, is mapped to the north of the APE. No other known projects are recorded in the APE’s vicinity (THC 2020).

There are no previously recorded sites or known cultural resources within the APE. Three archeological sites have been previously recorded within the 1-mile study area: sites 41AS47, 41AS48, and 41AS114. Sites 41AS47 and 41AS48 are prehistoric campsites identified by the Martin/Sayles project mentioned above. The sites have been destroyed since their original recording and have been determined ineligible for inclusion on the NRHP. Site 41AS114, also

known as “The Cedars”, is an early twentieth-century commercial lodging consisting of multiple cottages built atop a shell ridge overlooking the Gulf of Mexico. Its NRHP eligibility status is unknown. Twenty-eight additional cultural resources have been identified within the 1-mile study area (see **Figure 2**); a full description of them is presented in **Table 1**. Except for the above-referenced Kline’s Café, none of the known cultural resources will be impacted directly or indirectly by the proposed project.

Table 1. Known cultural resources identified within 1 mile of the APE			
Resource Name	Description	NRHP Eligibility	Location
Aransas County	Historical marker for the founding of Aransas County	N/A	North of APE
Aransas County (2)	Historical marker for the founding of Aransas County; possible duplicate record	N/A	Northwest of APE
Baldwin-Brundrett House	RHTL for 1889 residence	N/A	North of APE
Baylor-Norvell House	Historical marker for 1890 residence	N/A	South of APE
Bracht House	RHTL for 1899 residence	N/A	Northwest of APE
First Methodist Church of Rockport	Historical marker for 1870 church	N/A	South of APE
First National Bank of Rockport	Historical marker for 1890 bank	N/A	North of APE
First Presbyterian Church of Rockport	Historical marker for 1889 church	N/A	Northwest of APE
Fulton-Bruhl House	RHTL for 1868 residence	N/A	North of APE
Hagar, Connie	Historical marker for prominent resident	N/A	North of APE
Hoopes-Smith House	Historical marker and standing structures for 1894 hotel and boardinghouse	Listed	North of APE
Hynes-Balthrope House	Historical marker for 1874 longleaf pine residence	N/A	Southwest of APE

Table 1. Known cultural resources identified within 1 mile of the APE			
Resource Name	Description	NRHP Eligibility	Location
Joe and Bertha Harper House	RTHL for 1906 residence	N/A	Northwest of APE
Kline's Café	Mid-20 <sup>th</sup> century diner	Eligible	North-adjacent to APE
Mathis House	Historical marker and standing structure for 1869 residence	Listed	Southwest of APE
Moore House	RTHL for 1906 residence	N/A	South of APE
Richard Henry Wood House	Historical marker for 19 <sup>th</sup> century residence	N/A	Northwest of APE
Rockport Marine Laboratory	Historical marker for 1935 laboratory	N/A	East of APE
Rockport School	RTHL for 1892 school	N/A	Northwest of APE
Rockport Voluntary Fire Department	Historical marker for 1887 fire department structure	N/A	West of APE
Sacred Heart Catholic Church	Historical marker for 1889 church	N/A	Northwest of APE
Site of the Aransas Hotel	Historical marker for 1889 hotel	N/A	West of APE
Smith-Brundrett Building	RTHL for 1888 residence	N/A	North of APE
Sorenson-Stair Building	RTHL for 1886 commercial building	N/A	South of APE
St. Peter's Episcopal Church	Historical marker for 1871 church	N/A	Northwest of APE
The Rockport Pilot	Historical marker for newspaper company created in 1916	N/A	South of APE
Women's Club of Aransas County	Historical marker for 1948 social club	N/A	North of APE

Table 1. Known cultural resources identified within 1 mile of the APE			
Resource Name	Description	NRHP Eligibility	Location
Wood-Jackson House	RTHL for 1910 residence	N/A	Northwest of APE
41AS48	Prehistoric campsite; destroyed	Not eligible	Northeast of APE
41AS47	Prehistoric campsite; destroyed	Not eligible	Southwest of APE
41AS114 / "The Cedars"	Historic cottages that were rebuilt in 1928	Unknown	Southwest of APE
<i>Data source: THC (2020)</i>			

Historic topographic maps, photographs, and aerial imagery were also reviewed to examine how the project locale and surrounding area have been used over time. Reviewed materials include historic Sanborn insurance company maps from 1894 and 1914, historic surveyor’s maps from 1939, 1952, and 1958, topographic maps from the years 1953, 1954, 1956, 1960, 1979, 1985, and 2010 (National Environmental Title Research [NETR] 2020; Sanborn Map Company [SMC] 1894; SMC 1914; USGS 2020b) and aerial imagery from the years 1951, 1952, 1969, 1972, 1981, 1983, 1995, 2004, 2008, 2010, 2012, 2014, and 2016 (Google Earth Pro 2019; NETR 2020).

The earliest reviewed map is the Sanborn Insurance Company Map from 1894 (**Figure 3**), which depicts all of the APE south of E. North Street and a portion of the APE to the north. No structures are observable in the northern area, but the southern area (designated as Lots 1, 2, 7, and 8 of Block 1) depicts six single-story wooden structures. The surrounding areas are also urbanized by this date, and the shoreline at the time is depicted immediately east of the APE as Water Street had not yet been constructed (SMC 1894). The next available map, the 1914 update to the Sanborn map, depicts five of the six structures mentioned above in their same alignments (**Figure 4**; SMC 1914). The sixth building, which had been within Lot 1, is no longer present. The largest structure, located in Lot 8, is labeled as “tailor” in this iteration. Water Street is also depicted for the first time to the east of the APE. The northern half of the APE is fully depicted in this map; however, no structures or development is observable. The surrounding area continued to be used for commercial and industrial developments in 1914; however, the density of development appears to be lower than in the 1894 map.

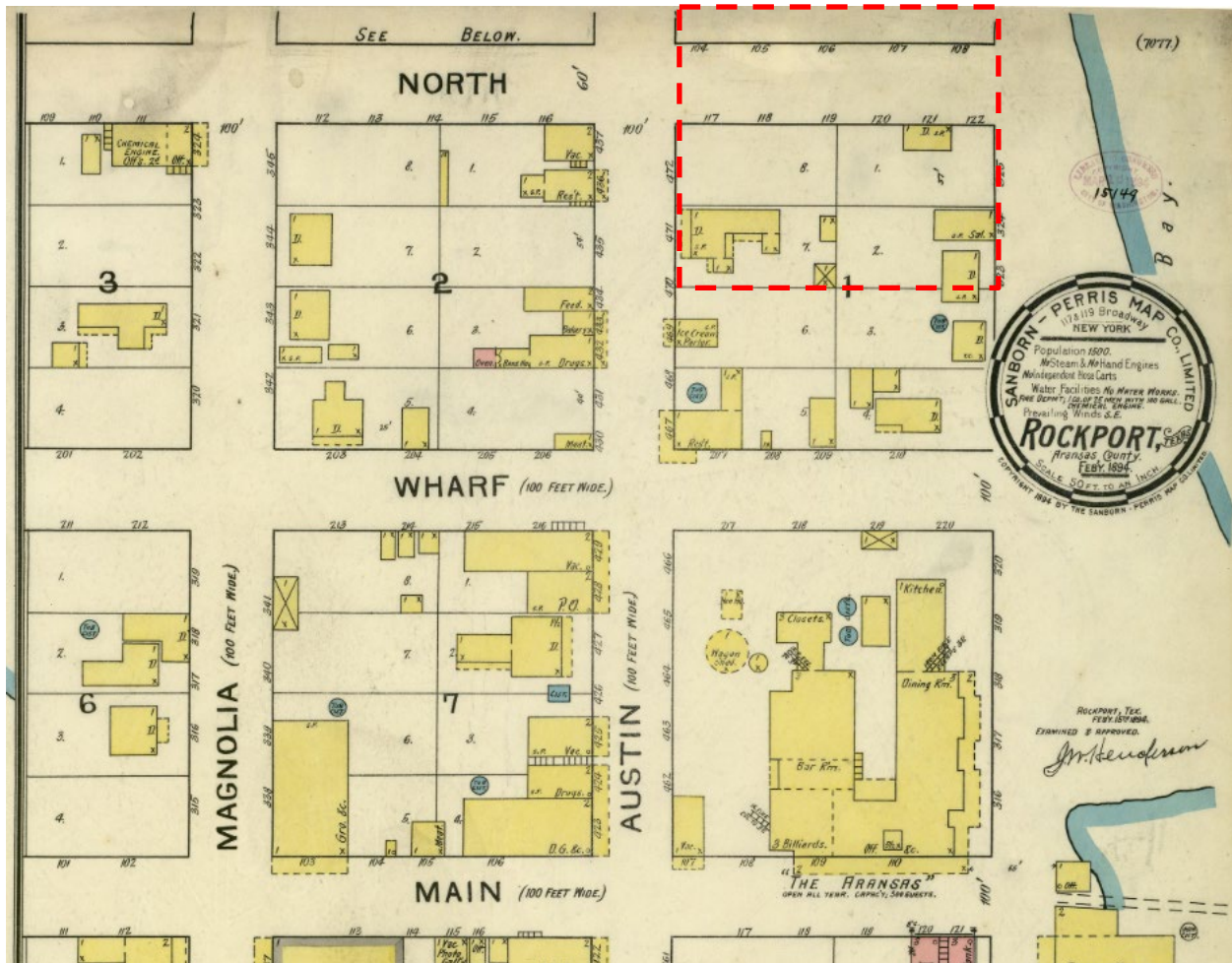


FIGURE 3. SANBORN INSURANCE MAP (1894). NOTE: APE IS OUTLINED IN RED.

The next available map is a 1939 surveyor's map that depicts the area surrounding the APE as it last existed before the waterfront area was substantially modified to extend the landform approximately 200 meters to the east and allow for the construction of docks and other industrial facilities (Figure 5). This map does not depict individual structures, but it shows the Lots of Block 1; however, the numbers have changed such that the originally numbered Lots 7 and 8 have become Lots 5 and 6, respectively. Additionally, it depicts the northern half of the APE as "Reserve", which likely represents Southern Pacific Railroad Reserve Land that was used for staging and loading/unloading of cars along the rail line to the north. No other developments are depicted (Aransas County Survey 1939).



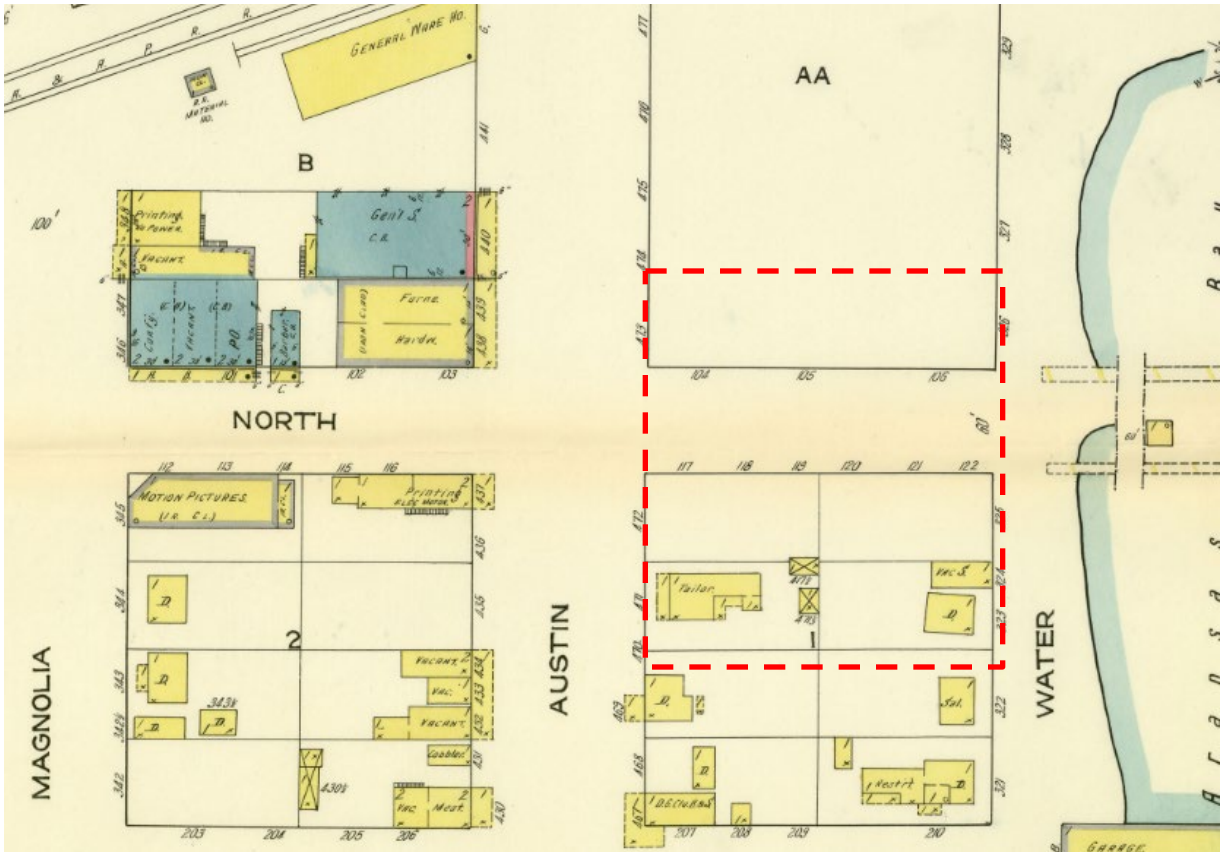


FIGURE 4. SANBORN INSURANCE MAP (1914). NOTE: APE IS OUTLINED IN RED.



FIGURE 5. SURVEYOR'S MAP OF ROCKPORT (1939). NOTE: APE IS OUTLINED IN RED

The 1945 plat map for this portion of Rockport also depicts Block 1 as broken into lots but without revealing further detail (Figure 6). This map, however, is noteworthy for depicting the substantial changes that occurred to the waterfront in the early 1940s, including the extension of the shoreline to the east and the construction of numerous commercial and industrial enterprises. This map was produced after the completion of harbor infilling and the exact location of the original shoreline is estimated and, in some places, such as where it intersects the APE in the northeast, inaccurate (Percival 1945).

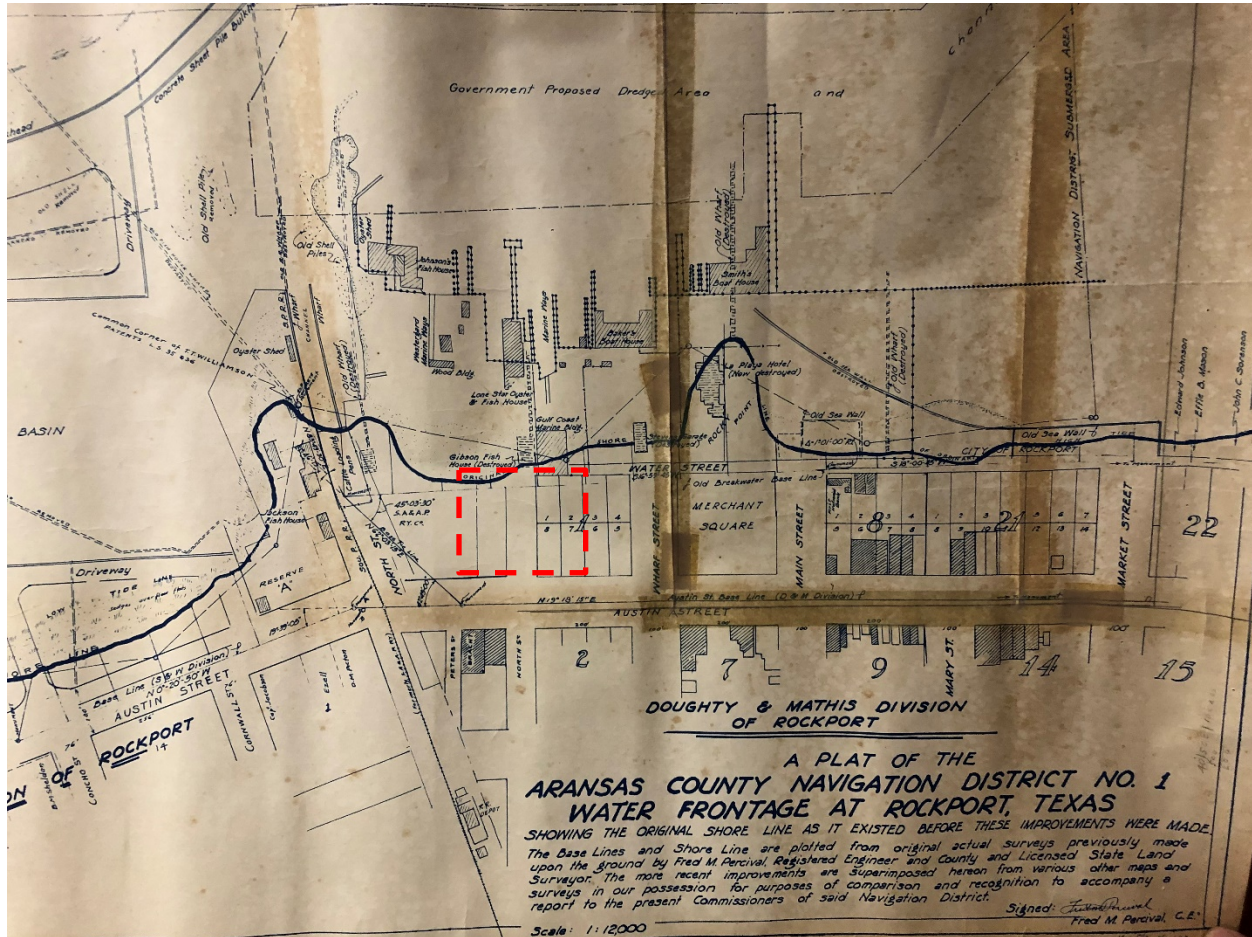


FIGURE 6. PLAT MAP OF ARANSAS COUNTY NAVIGATION DISTRICT NO. 1 (1945). NOTE: APE IS OUTLINED IN RED

The earliest topographic map available (Beeville, 1953, 1:250,000 scale) is at too coarse of a scale to depict individual structures, but it does show the APE falling entirely within the corporate limits of Rockport (USGS 2020b).

The 1958 surveyor’s map of downtown Rockport details a land conveyance deal from R.R. Rice to the city of Rockport, which resulted in the expansion of Water Street 30 feet to the west of its original position (Figure 7). The resulting road construction and gas/water utility expansions would have destroyed any intact remnants of the easternmost structures observed on the 1894 and 1914 Sanborn maps (R.R. Riceboat Works Map 1958).

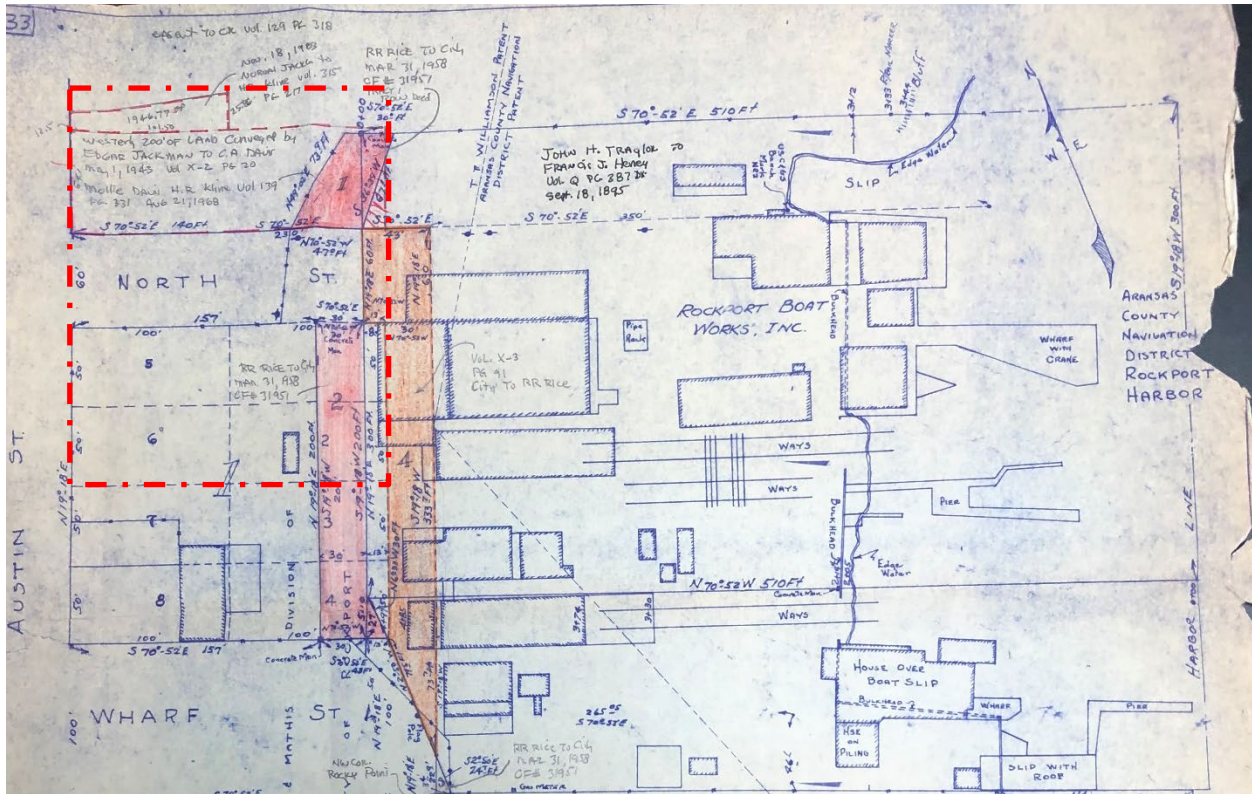


FIGURE 7. R.R. RICE BOAT WORKS MAP (1958). NOTE: APE IS OUTLINED IN RED.

The first topographic map that depicts the APE in any significant detail is the photo-augmented 1:24,000-scale Rockport map from 1979, which depicts the APE in its modern configuration. The nearby Kline’s Café building is also observable. Subsequent maps depict the expansion of Rockport to the west and north, but do not depict any substantial changes to the APE or its environs, which remain completely urbanized during all time periods (USGS 2020b).

The earliest available aerial photograph, dated to 1951, depicts the APE and its surrounding environs as covered in low-density urban development. South Austin and Water Streets are shown in their current positions, and the Kline’s Café is observable. A significant portion of the APE appears to be covered in an unpaved parking lot at this time. Urban development surrounding the APE appears to have been denser to the east than it is now, with industrial and commercial structures extending to the coast.

A bird’s eye view of downtown Rockport dated to circa 1959 shows the APE as it appeared for the second half of the twentieth century (Figure 8). Here, Kline’s Café, which was constructed in the 1940s is observable. The café and its parking lot take up the entire northern half of the APE. The southern half is occupied by two buildings: Mary’s Malt Shop, which was located at the northwest corner of S. Austin Street and E. North Street, was an ice cream and soda parlor that was popular until it closed in the 1980s, and an unnamed barbecue smokehouse located in the southeastern corner of the APE (Jerry Brundrett, City Surveyor, personal communication, 5 March 2020).



**FIGURE 8. PHOTOGRAPH OF DOWNTOWN ROCKPORT (CIRCA 1960). NOTE: APE IS OUTLINED IN RED**

Subsequent imagery shows very little change to the APE or its environs over the following two decades, except for gradual infilling of commercial structures to the west and north. The most significant changes appear after 2004, when all land southeast of Water Road is cleared of structures and replaced by manicured grasses. The structures associated with Mary's Malt Shop and the barbecue smokehouse were observable until 2018. These structures were purchased by the Rockport Center for the Arts and demolished. At the time of their demolition, the structures were vacant and home to itinerant populations (Luis Peron, Rockport Center for the Arts Executive Director, 5 March 2020). No major changes are observed after this date (Google Earth Pro 2019; NETR 2020). Known and perceived impacts to the APE include commercial and industrial development, road construction and maintenance associated with S. Austin and Water Streets, above-ground utilities, and damage from storm surge overwash, especially from Hurricane Harvey in 2017 and the unnamed hurricane of 1917.

### 3 RESEARCH GOALS AND METHODS

---

#### Purpose of the Research

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

1. To identify all historic and prehistoric archeological resources located within the APE defined in Section 1;
2. To perform a preliminary evaluation of the identified resources' potential for inclusion in the National Register of Historic Places (NRHP) and/or for designation as a SAL (typically performed concurrently);
3. To make recommendations about the need for further research concerning the identified resources based on the preliminary NRHP/SAL evaluation, with guidance on methodology and ethics from the THC and CTA.

#### Section 106 of the National Historic Preservation Act

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

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

- ... The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, material, workmanship, feeling, and association and
- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
  - b. that are associated with the lives of persons significant in our past; or
  - c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that

represent a significant and distinguishable entity whose components may lack individual distinction; or

- d. that have yielded or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

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

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

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

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

After cultural resources within the APE are identified and evaluated, effects evaluations are completed to determine whether the proposed project has no effect, no adverse effect, or an

adverse effect on the resources. Effects are evaluated by assessing the impacts that the proposed project will have on the characteristics that make the property eligible for listing in the NRHP and on its integrity. Types of potential adverse effects considered include physical impacts, such as the destruction of all or part of a resource; property acquisitions that adversely impact the historic setting of a resource, even if built resources are not directly impacted; noise and vibration impacts evaluated according to accepted professional standards; changes to significant viewsheds; and cumulative effects that may occur later in time. If the project will have an adverse effect on cultural resources, measures can be taken to avoid, minimize, or mitigate this adverse effect. In some instances, changes to the proposed project can be made to avoid adverse effects. In other cases, adverse effects may be unavoidable, and mitigation to compensate for these impacts will be proposed and agreed upon by consulting parties.

## Antiquities Code of Texas

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

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

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

1. the site has the potential to contribute to a better understanding of the prehistory and/or history of Texas by the addition of new and important information;
2. the site's archeological deposits and the artifacts within the site are preserved and intact, thereby supporting the research potential or preservation interests of the site;
3. the site possesses unique or rare attributes concerning Texas prehistory and/or history;
4. the study of the site offers the opportunity to test theories and methods of preservation, thereby contributing to new scientific knowledge; and

5. there is a high likelihood that vandalism and relic collecting has occurred or could occur, and official landmark designation is needed to ensure maximum legal protection, or alternatively, further investigations are needed to mitigate the effects of vandalism and relic collecting when the site cannot be protected. (13 TAC 26.10).

For archeological resources, the state-level process requires securing a valid Texas Antiquities Permit from the THC, the lead state agency for Antiquities Code compliance. This permit must be maintained throughout all stages of investigation, analysis, and reporting. Antiquities Permit #9305 was assigned by THC for this project.

## Survey Methods and Protocols

With the goals and guidelines above in mind, CMEC personnel conducted an intensive survey of the APE in March 2020 to search for unidentified archeological sites per category 6 under 13 TAC 26.15 and using the definitions in 13 TAC 26.3.

All shovel tests were excavated in natural levels within Holocene sediments until obstructions, subsoil, or 100 centimeters (cm or 39.3 inches [in]; approximate maximum reach for a standard shovel test) was encountered. Excavated matrix was screened through 0.635-cm (0.25-in) hardware cloth as allowed by moisture and clay content, which required that the removed sediment be crumbled/sorted by hand, trowel, and/or shovel point. Deposits were described using conventional texture classifications and Munsell color designations. The field methods meet those drafted by the CTA and approved by the THC.

Despite the unknown projected depth of impacts, no mechanical trenching was performed at this time. This is because the project location is underlain by Pleistocene-age deposits and represents a generally stable landform. Moreover, the project area sits at such a low elevation that any trenches excavated below two meters will likely infill with water and collapse immediately upon excavation (cf. Rock 2018).

No artifacts were identified or collected; however, CMEC personnel kept a complete record of field notes with observations including (but not limited to) sediment integrity, vegetation, topography, hydrology, land use, soil exposures, general conditions at the time of the survey, and field techniques employed. The field notes were supplemented by digital photographs.

The project has a low probability of encountering human burials and no evidence of burials was observed during the survey. If burials are found during construction, all work should cease and the City of Rockport, Aransas County, and the THC should be immediately notified, and all requirements of 8 THSC 711 should be followed.

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



## 4 RESULTS AND RECOMMENDATIONS

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### General Field Observations and Results

On March 5, 2020, an intensive archeological survey was completed in order to inventory and evaluate archeological resources within the footprint of the proposed Rockport Center for the Arts, Performing Arts, and Conference Center in Aransas County. The intensive survey included judgmental shovel testing throughout the APE in areas where there was no clear evidence of significant ground disturbance (**Figure 10**).

The project APE consists of an approximately 1.0-acre rectangular parcel located between E. North Street and Water Street and bisected by E. North Street in the central district of the City of Rockport. It is bounded to the west, north, and east by paved roads and to the south by commercial businesses. Field conditions on the day of survey were mild and clear with a high temperature in the mid-70s Fahrenheit. No major logistical obstacles were encountered during the survey.

The APE can be broadly divided into two areas bisected by the east-west running E. North Street. South of E. North Street, the APE consists of a vacant lot covered in sporadic low grasses (**Figure 11**). Ground surface visibility in this portion of the APE is fairly high (30 to 50 percent). The ground surface is even and flat throughout most of this portion of the APE, except near Water Street where a north-south trending berm was observed (see background of **Figure 11**). This berm is comprised predominantly of shell and sand created by storm overwash; it is also the location of a City of Rockport gas and water easement (as demarcated by City of Rockport utility-marking paint) and is therefore considerably disturbed.

North of E. North Street, the APE is dominated by the historic-age Kline Café and its ancillary features, including an asphalt parking lot that wraps around all sides and a small storage building to the east (**Figures 12 and 13**). The ground surface in this area, where it is not covered by an impenetrable surface, displays evidence of extensive disturbance in the form of mottled soils and utility fixtures (**Figure 14**).

Nine shovel test units were excavated across the project area (see **Figure 3**); eight units were excavated within the southern half of the APE while one was excavated in the only portion of the northern half of the APE that did not appear heavily disturbed. Shovel tests excavated in the APE's southern half revealed heavily disturbed stratigraphy from the surface to approximately 65 centimeters (26 inches) below the surface (**Figure 15**). Below this depth, from 65 to 100 centimeters (26 and 39 inches), sediments encountered within shovel tests were generally consistent with published descriptions of Mustang soils, consisting of reduced, dark gray (10YR 5/1) sandy clays. This suggests that disturbance is less pronounced below 65 centimeters (26 inches). Seven of the 8 shovel tests excavated in this southern area were positive for historic artifacts between approximately 12 and 65 centimeters (4.7 to 26 inches). These resources are discussed more fully below. Sediment observed within the unit excavated north of E. North Street revealed completely disturbed stratigraphy. Descriptions of shovel tests are found in **Appendix A**.



**Figure 3.  
Survey Results**

Rockport Center for the Arts

Data Sources: NHD (2019), CMEC (2020)  
Aerial Source: DigitalGlobe (2017)


G:\Projects\CityofRockport\RockportCenterfortheArts\RockportCenter\_Arch\_Figure 3. Survey Results\_20200713\_LG.mxd



**FIGURE 10. VIEW OF SOUTHERN HALF OF APE, FACING SOUTHEAST**



**FIGURE 11. VIEW OF NORTHERN HALF OF APE, FACING NORTHWEST**



**FIGURE 12. VIEW OF KLINE'S CAFE FROM WITHIN APE, FACING NORTH**



**FIGURE 13. VIEW OF GROUND DISTURBANCE ADJACENT TO KLINE'S CAFE, FACING SOUTHWEST**



FIGURE 14. VIEW OF SHOVEL TEST UNIT SM02

## Site 41AR120

This site represents the remnants of the City of Rockport's Lot 1, blocks 1 (western half), 2 (western half), 5, and 6. It is bounded to the west by sidewalks associated with S. Austin Street, to the north by E. North Street, to the east by Water Street, and to the south by active commercial enterprises. The boundaries to the west, east, and south are essentially straight lines determined by urban development; the northern boundary, however, curves away from the center of the site towards the northeast (**Figure 16**). The site measures approximately 50 meters by 37 meters (164 by 121 feet) in area and is covered in sporadic, low grasses. Two surficial features and approximately 25 historic-age artifacts were observed during survey.

### Feature 1

Feature 1 consists of the amorphously shaped remnants of an asphalt foundation located near the intersection of S. Austin Street and E. North Street (**Figure 17**) and measures approximately 18 meters or 59 feet (east-west) at its greatest extent by 10 meters or 32.8 feet (north-south). Several fired brick fragments and unknown ferrous metal fragments were observed on the surface of this pad. A small concrete-filled standpipe with an outside diameter of 20 centimeters (8 inches) was observed at its southwest corner (**Figure 18**). This feature likely represents the remnants of Mary's Malt Shop (discussed above) that was demolished in 2017.

**FIGURE 15. SKETCH MAP OF SITE 41AR120**



**FIGURE 16. VIEW OF FEATURE 1, FACING WEST**



**FIGURE 17. VIEW OF FEATURE 1.1, FACING WEST**

## Feature 2

Feature 2 consists of the remnants of a rectangular Portland cement foundation located near the southeastern corner of the APE (**Figure 19**). The feature measures approximately 12 meters or 39.4 feet (north-south) by 8 meters or 26.2 feet (east-west) and is located on the disturbed shell and sand berm that runs parallel to Water Road. No artifacts were observed in direct association with the feature.



**FIGURE 18. VIEW OF FEATURE 2, FACING NORTH**

## Historic-age artifacts

The surface of the site is covered with a low-density historic-age artifact assemblage consisting primarily of burned and unburned brick fragments and unidentifiable ferrous metal fragments (**Figure 20**). Artifacts are not concentrated in any portion of the site, but they are more commonly encountered near the northwestern corner (e.g., Feature 1). Forty-two artifacts were also observed in 7 of the 8 shovel test units excavated within the site (see **Appendix A**). Artifacts consisted primarily of flat aqua glass fragments (n=21) that exhibited some solarization and thicknesses of 3 to 4 millimeters. Other artifacts observed included fragments of the following: melted glass (n=2), unidentifiable ferrous metal (n=7), brick (n=3), mammalian rib (n=2), and a white porcelain rim sherd (n=1). The rib fragments are likely porcine dietary bone associated with the known barbeque smokehouse. None of the artifacts exhibited temporally diagnostic features; the thickness of the flat glass suggests that it could, however, date to the latter half of the 20<sup>th</sup> century.





FIGURE 19. SAMPLE OF ARTIFACTS OBSERVED ON SURFACE



FIGURE 20. SAMPLE OF ARTIFACTS OBSERVED IN SHOVEL TEST UNITS

## Deed Research

Deed and tax records for site 41AR120 were reviewed at the office of Griffith and Brundrett in Rockport, Texas. The records of conveyance for the various lots that underlie the site are somewhat vague and contradictory (for example, the precise limits of lot divisions are left off of some documents), possibly due to record destruction following the Hurricane of 1917. **Table 2** presents the confirmed deed conveyance information for Block 1, Lots 1, 2, 5, and 6. R.R. Rice, involved in property purchases in the 1940s and 1950s, was the grandson of William Marsh, an American businessman who bequeathed his fortune to found Rice University in Houston.

Table 2. Property ownership information for Site 41AR120				
Block	Seller	Buyer	Date	Notes
1, 5	John Traylor	Francis Henley	September 18, 1895	From 64 feet east of Austin Street to Bay
1	Francis Henley	Ben Henley	No date available	This conveyance was countermanded by City of Rockport v. Ben Henley, 1911
1	Ben Henley	City of Rockport	February 9, 1911	Release of judgment following City of Rockport v. Ben Henley
5	Edna Henley	Emory Spencer	February 6, 1941	Edna was the wife of Ben Henley
5	Emory Spencer	R.R. Rice	June 3, 1943	Part of a large land deal whereby the Rice Family purchased significant portions of the City of Rockport
2, 6	Molly Davis	R.R. Rice	September 26, 1946	Same as Spencer sale
5, 6	R.R. Rice	City of Rockport	March 30, 1951	Rice family ceded these blocks to the City for the construction of Water Street
6	Molly Davis	City of Rockport	July 28, 1958	Easternmost portion of block 6
6	Molly Davis	Patricia Davis	May 3, 1961	Westernmost portion of block 6
1, 2, 5, 6	Various	Gemelos Investments LLP	Various	Real estate developer purchased locations in the 1990s
1, 2, 5, 6	Rockport Art Association	Gemelos Investments LLP	June 6, 2016	Most recent sale

## Recommendations

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

Results of the intensive survey and shovel testing indicated that the entire APE has been substantially disturbed by commercial and industrial activity since at least 1894. Cultural resources are present within the entire southern portion of the APE and consist of both surface and buried artifacts as well as the remnants of two foundation features. Collectively, these resources represent a mix of artifacts from multiple businesses that occupied this portion of the

APE throughout the twentieth century. They have been grouped and designated as site 41AR120 in this report. The site, however, has been so disturbed by both natural and anthropogenic causes that it lacks integrity of association. The buried component of the site also lacks integrity of location. The two surface features still contain integrity of location, but they are in very poor condition. Further, while portions of the site were previously owned by the Rice Family of Texas, their involvement does not, in and of itself, substantively affect the recommendation for the site's eligibility. Overall, the site has little to no research value and is therefore recommended as ineligible for inclusion on the NRHP.

The northern half of the APE is dominated by the Kline's Cafe and its ancillary features. This structure has already been determined to be of cultural value to the community and eligible for inclusion on the NRHP. Under the preferred alternative for this project, the building will be relocated outside of the APE. Since this built-environment resource is still extant and will remain so until it is removed, it is CMEC's recommendation that no further archeological research be conducted with respect to it. Though it is possible that intact cultural resources are present beneath its foundations, the disposition of subsurface deposits in other areas of the APE make this possibility a remote one.

As a result of these findings, no additional archeological investigations are recommended within the APE prior to construction activities.

The project has a low probability of encountering human burials and no evidence of burials was observed during the survey. If burials are found during construction, all work should cease and the City of Rockport, Aransas County, and the THC should be immediately notified, and all requirements of 8 THSC 711 should be followed.

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

The Texas Historical Commission concurred with this decision on April 8, 2020.

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## APPENDIX A: SHOVEL TEST RESULTS

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Table A1. Shovel Test Results			
Shovel Test #	Depth (cmbs*)	Description/Notes	Cultural Resources
SM01	0-12	Grayish brown (10YR 5/2) sand	Modern refuse
	12-30	Dark grayish brown (10YR 4/2) sand with 10% dark (10YR 4/1) sandy clay mottles	N/A
	30-65	Dark gray (10YR 4/1) sandy clay with 20% gray (10YR 5/1) mottles and 5% iron concretions	N/A
	65-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features brownish yellow (10YR 6/8) clay; unit terminated at permit depth	N/A
SM02	0-12	Grayish brown (10YR 5/2) sand	Modern refuse, historic brick
	12-30	Dark grayish brown (10YR 4/2) sand with 10% dark (10YR 4/1) sandy clay mottles	Historic glass (3)
	30-65	Dark gray (10YR 4/1) sandy clay with 20% gray (10YR 5/1) mottles and 5% iron concretions	Historic glass (1); Melted glass (2)
	65-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features brownish yellow (10YR 6/8) clay; unit terminated at permit depth	N/A
SM03	0-12	Grayish brown (10YR 5/2) sand	N/A
	12-30	Historic glass (3)	Historic glass (2). Historic ceramic (1)
	30-65	Dark gray (10YR 4/1) sandy clay with 20% gray (10YR 5/1) mottles and 5% iron concretions	Historic glass (1)
	65-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features brownish yellow (10YR 6/8) clay; unit terminated at permit depth	N/A
SM04	0-12	Grayish brown (10YR 5/2) sand	Modern refuse
	12-30	Dark grayish brown (10YR 4/2) sand with 10% dark (10YR 4/1) sandy clay mottles	Historic glass (2), Historic metal (3)
	30-65	Dark gray (10YR 4/1) sandy clay with 20% gray (10YR 5/1) mottles and 5% iron concretions	Historic metal (1)
	65-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features brownish yellow (10YR 6/8) clay; unit terminated at permit depth	Historic glass (1), Historic metal (1)
SM05	0-12	Grayish brown (10YR 5/2) sand	N/A
	12-30	Dark grayish brown (10YR 4/2) sand with 10% dark (10YR 4/1) sandy clay mottles	Historic glass (3), Mammal bone (2)
	30-65	Dark gray (10YR 4/1) sandy clay with 20% gray (10YR 5/1) mottles and 5% iron concretions	Historic metal (1)
	65-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features brownish yellow (10YR 6/8) clay; unit terminated at permit depth	N/A
SM06	0-12	Grayish brown (10YR 5/2) sand	Modern refuse
	12-30	Dark grayish brown (10YR 4/2) sand with 10% dark (10YR 4/1) sandy clay mottles	Historic glass (4)
	30-65	Dark gray (10YR 4/1) sandy clay with 20% gray (10YR 5/1) mottles and 5% iron concretions	Historic glass (2), Historic metal (3)
	65-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features brownish yellow (10YR 6/8) clay; unit terminated at permit depth	N/A
SM07	0-12	Grayish brown (10YR 5/2) sand	Modern refuse
	12-30	Dark grayish brown (10YR 4/2) sand with 10% dark (10YR 4/1) sandy clay mottles	Historic glass (1)

Table A1. Shovel Test Results			
Shovel Test #	Depth (cmts*)	Description/Notes	Cultural Resources
	30-65	Dark gray (10YR 4/1) sandy clay with 20% gray (10YR 5/1) mottles and 5% iron concretions	Historic glass (1)
	65-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features brownish yellow (10YR 6/8) clay; unit terminated at permit depth	N/A
SM08	0-12	Grayish brown (10YR 5/2) sand	Historic brick (1)
	12-30	Dark grayish brown (10YR 4/2) sand with 10% dark (10YR 4/1) sandy clay mottles	N/A
	30-65	Dark gray (10YR 4/1) sandy clay with 20% gray (10YR 5/1) mottles and 5% iron concretions	N/A
	65-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features brownish yellow (10YR 6/8) clay; unit terminated at permit depth	N/A
SM09	0-8	Very dark greyish brown (10YR 3/2) clay loam	Modern refuse
	8-20	Grayish brown (10YR 5/2) sand with 10% yellowish brown (10YR 5/8) sandy clay	N/A
	20-80	Grayish brown (10YR 5/2) sand with 5% gravel	N/A
	80-100	Gray (10YR 5/1) silty clay with 10% redoximorphic features; unit terminated at permit depth	N/A
*centimeters below surface			



## APPENDIX B: REGULATORY CORRESPONDENCE

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**Kim Foutz**

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**From:** Randall Freeze <rfreeze@aransascounty.org>  
**Sent:** Thursday, October 18, 2018 11:34 AM  
**To:** martha@grantworks.net; kfoutz@aransascounty.org  
**Subject:** FW: Project Review: 201900477

**From:** noreply@thc.state.tx.us [mailto:noreply@thc.state.tx.us]  
**Sent:** Monday, October 8, 2018 11:21 AM  
**To:** rfreeze@aransascounty.org; reviews@thc.state.tx.us  
**Subject:** Project Review: 201900477

\*\*\*\*\*  
**\*\*WARNING: This is an external email --- DO NOT CLICK links or attachments from unknown senders or in unexpected messages. \*\***  
\*\*\*\*\*



Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas  
**201900477**  
Rockport Center for the Arts, Performing Arts and Conference Center  
106 S. Austin Street  
Rockport, TX 78382

Dear Randall Freeze:  
Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff led by Jeff Durst, Caitlin Brashear and Julie Guy has completed its review and has made the following determinations based on the information submitted for review:

**Above-Ground Resources**

- Property/properties are eligible for listing or already listed in the National Register of Historic Places
- No adverse effects on historic properties provided that the following conditions are met .

**Archeology Comments**

- An archeological survey of the project area is needed .

**We have the following comments:** The property is adjacent to the Kline Building, which is eligible for listing on the National Register. More detailed drawings for the building adjacent to the Kline Building should be submitted when available. The Kline Building shall be protected and monitored for any damage during construction.