

TEXAS HISTORICAL COMMISSION

ANTIQUITIES PERMIT APPLICATION FORM  
ARCHEOLOGY

GENERAL INFORMATION

I. PROPERTY TYPE AND LOCATION

Project Name (and/or Site Trinomial) Archeological Scraping of Proposed I2 Corridor adjacent to Perry Cemetery, Liberty Hill, Williamson County, Texas

County (ies) Williamson

USGS Quadrangle Name and Number Liberty Hill 3097-323

UTM Coordinates Zone 14 E 606336 N 3398905

Location Redacted

Federal Involvement ☐ Yes ☒ No

Name of Federal Agency \_\_\_\_\_

Agency Representative \_\_\_\_\_

II. OWNER (OR CONTROLLING AGENCY)

Owner Williamson County

Representative Bill Gravell, Jr., County Judge

Address 710 South Main Street, Suite 101

City/State/Zip Georgetown, TX 78626

Telephone (include area code) 512-943-1550 Email Address ctyjudge@wilco.org

III. PROJECT SPONSOR (IF DIFFERENT FROM OWNER)

Sponsor \_\_\_\_\_

Representative \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone (include area code) \_\_\_\_\_ Email Address \_\_\_\_\_

PROJECT INFORMATION

I. PRINCIPAL INVESTIGATOR (ARCHEOLOGIST)

Name Melanie Nichols

Affiliation Legacy Cultural Resources

Address 4304 Campo Verde Drive

City/State/Zip Austin, TX 78749

Telephone (include area code) 713-562-8996 Email Address mel@legacy-crm.com

## ANTIQUITIES PERMIT APPLICATION FORM (CONTINUED)

### II. PROJECT DESCRIPTION

Proposed Starting Date of Fieldwork November 13, 2023

Requested Permit Duration 5 Years 0 Months (1 year minimum)

Scope of Work (Provided an Outline of Proposed Work) Please see attached research design.

### III. CURATION & REPORT

Temporary Curatorial or Laboratory Facility Legacy Cultural Resources

Permanent Curatorial Facility Texas Archeological Research Laboratory

### IV. LAND OWNER'S CERTIFICATION

I, Bill Gravell Jr, as legal representative of the Land Owner,  
Williamson County, do certify that I have reviewed the plans and research design, and that no investigations will be performed prior to the issuance of a permit by the Texas Historical Commission. Furthermore, I understand that the Owner, Sponsor, and Principal Investigator are responsible for completing the terms of the permit.

Signature \_\_\_\_\_ Date \_\_\_\_\_

### V. SPONSOR'S CERTIFICATION

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

Signature \_\_\_\_\_ Date \_\_\_\_\_

### VI. INVESTIGATOR'S CERTIFICATION

I, Melanie Nichols, as Principal Investigator employed by Legacy Cultural Resources (Investigative Firm), do certify that I will execute this project according to the submitted plans and research design, and will not conduct any work prior to the issuance of a permit by the Texas Historical Commission. Furthermore, I understand that the Principal Investigator (and the Investigative Firm), as well as the Owner and Sponsor, are responsible for completing the terms of this permit.

Signature Melanie Nichols Date 09-29-2023

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

### FOR OFFICIAL USE ONLY

Reviewer \_\_\_\_\_ Date Permit Issues \_\_\_\_\_

Permit Number \_\_\_\_\_ Permit Expiration Date \_\_\_\_\_

Type of Permit \_\_\_\_\_ Date Received for Data Entry \_\_\_\_\_

**Texas Historical Commission  
Archeology Division**

P.O. Box 12276, Austin, TX 78711-2276

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## Research Design

### Archaeological Scraping of Proposed I2 Corridor adjacent to Perry Cemetery, Liberty Hill, Williamson County, Texas.

#### **Introduction**

Williamson County proposes to construct a new location roadway that will extend from the Williamson County/Burnet County line east and southeast to US 183 near Liberty Hill, Texas. Two cemeteries, the Perry Cemetery and the Foster Vicinity Cemetery, have been identified within 20-50 feet (ft) of the proposed road right-of-way (ROW). In advance of archaeological survey of the entire roadway, Williamson County and K. Friese and Associates have requested that Legacy Cultural Resources (Legacy) archaeologically scrape within the proposed ROW near the Perry Cemetery and conduct archival research to further pinpoint the location of the Foster Vicinity Cemetery. The Perry Cemetery is located along County Road 211 approximately 0.23 miles south of its intersection with County Road 207 (**Figures 1 and 2**).

The proposed project is on land that will be owned by Williamson County, which will require compliance with the Antiquities Code of Texas (ACT). As the project will occur within 20 ft of the Perry Cemetery, compliance with Section 711 of the Texas Health and Safety Code will also be required. At this time, no federal funding or permitting has been identified for the project. As such, it is anticipated that compliance with Section 106 of the National Historic Preservation Act will not be necessary.

The project area for cemetery scraping (Project Area) includes a 0.26-acre tract of land located within the proposed ROW. The eastern edge for the project area ranges between 20 ft (6.1 meters [m]) and 50 ft (15.2 m) from the edge of the Perry Cemetery's western fence. The maximum depth of vertical impact within the project area will be 6 ft (1.8 m) below the current ground surface.

#### **Project Setting**

The proposed project is located in a rural area north of Liberty Hill. The project area is located approximately 0.07 miles west of County Road 211 and 0.23 miles south of County Road 207. The North Fork of the San Gabriel River curves around the project area roughly 0.70 miles to the south and 0.75 miles to the west. The Perry Cemetery is situated approximately 20 ft (6.1 m) east of the 0.26-acre project area, while cleared agricultural or ranch land surrounds the project area on the south, west, and north. There are some small rural developments east and north of the project area. Within the project area, the land is mostly open with a few trees in the northern section and more dense vegetation in the southern portion.

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Exhibit Redacted



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## Soils and Geology

The underlying geology for the project area consists of Cretaceous-age Upper Glen Rose Limestone (Bureau of Economic Geography 1981). Soils within the project area are mapped as Sunev silty clay, loam, 1 to 3 percent slopes, and Eckrant cobbly clay 1 to 8 percent slopes (**Figure 3**). Sunev Series are found on stream terraces or foot slopes of valleys and ridges and consists of very deep, well drained soils that formed in loamy alluvium. A typical profile exhibits loam from approximately 0 to 30 centimeters below surface (cmbs) overlying clay loam to a depth of at least 180 cmbs (U.S. Department of Agriculture [USDA] Natural Resource Conservation Service [NRCS] 2023). The Eckrant series soils form in residuum on summits and ridges. They consist of well drained, moderately permeable shallow soils over bedrock. A representative profile exhibits clay from 0 to 30 cmbs and indurated limestone bedrock until approximately 76 cmbs (USDS NRCS 2023).

Desktop review also included review of the Austin Hybrid Potential Archeological Liability Model (HPALM). This model evaluates the potential for the preservation of pre-contact period indigenous archeological sites with reasonable integrity (Abbott and Pletka 2014) to be present within the project area (**Figure 4**). The western portion of the project area, which is the furthest from the cemetery, has a moderate potential to contain pre-contact period buried archaeological deposits, while the eastern portion nearest the cemetery has a low potential to contain pre-contact period buried archaeological deposits.

## Previous Investigations

Legacy conducted a background literature review and records search to identify previously recorded cultural resources and previous investigations within a 1-kilometer (km) radius of the project area. This research included searching the Texas Historical Commission's (THC's) online Texas Archeological Sites Atlas (Atlas) for previously recorded archaeological investigations and previously recorded historic and prehistoric archaeological sites, National Register of Historic Places (NRHP) listed properties and districts, State Antiquities Landmarks (SALs), cemeteries, Official Texas Historical Markers (OTHM), Recorded Texas Historic Landmarks (RTHLs), and historic trails.

According to the Atlas, there are no previous archaeological surveys or previously recorded archaeological sites within the project area or within 1 km of the project area (**Figure 5**). In addition, there are no NRHP-listed properties and districts, SALs, OTHMs, RTHLs, or historic trails within this buffer. One cemetery, the Perry Cemetery, is located 20 ft (6.1 m) east of the project area. One vicinity cemetery, the Foster Cemetery, is located 1,063 ft (324 m) south of the project area, which will be within the path of the proposed alignment (Atlas 2023).

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The Perry Cemetery is fenced and appears to have more than 22 marked internments for the Perry, Moore, Copeland, and Chapman families. Several other markers are present, but not legible. Recorded burials date from 1891-1932. While there is one marker that suggests a burial dating from 1867 is present, this individual, Jefferson Madison Copeland, was buried elsewhere. The headstone marking Copeland and his wife Mary (1814-1907), was not erected until 1978, when Copeland's great-grandsons Floyd Perry and J.C. Moore installed the marker. Their intent was to provide a marker for Mary's previously unmarked interment and to commemorate Jefferson's passing. As inscriptions were done from memory, the stone actually provides incorrect dates (1811-1905) for Mary's birth and death (Find-a-grave.com, 2023a). Given that Mary's grave was unmarked for 71 years, it is likely other unmarked interments may be present in the cemetery; it is unknown when the current fence was erected.

The Foster Cemetery is also known as the Foster-Perry-Williams Families Cemetery. According to the Atlas, the cemetery includes at least seven marked burials that were interred prior to 1957 (Atlas 2023). THC's Cemetery Coordinator provided additional information about the possible location of the cemetery. The cemetery is reported to have been located in Mr. Floyd Perry's pasture, on the north banks of the San Gabriel River. A flood washed the markers from their original positions, so that the burials are no longer marked (McWilliams 2023). The markers were for Charlie Foster, Edsell Foster, Mrs. Edsell Foster, Louis Foster, Mollie Foster, Infant Perry, and Infant Williams (Find-a-grave.com 2023b).

### **Historic Map and Aerial Review**

Archaeologists reviewed historic and modern aerial photographs (1962, 1981, 1996, 2004, 2008, 2010, 2012, 2014, 2016, 2018, 2020) and topographic maps (1966, 1979, 2013, 2016, 2019) available online (NETR Online 2023) to identify historic high probability areas (HHPAs) where historic-age archaeological resources may exist within or directly adjacent to the project area.

According to the historic maps and aeriels, Perry Cemetery has not always been cleared of vegetation. The 1962 aerial photograph shows the cemetery as vegetated with several larger trees within the area that is now fenced. By 1981, the cemetery property appears to have been cleared of much of this vegetation and more closely resembles the current landscape. None of the topographic maps show a cemetery in this location, suggesting it may not have been visible or well-defined for most of the later twentieth century. In both the 1996 and 2014 aerial photos, there appears to be a possible east-west path that bisects the cemetery; however, this does not appear to be present in the other years reviewed.

The project area appears to have consistently been in the vegetated area immediately west of the Perry Cemetery, with the western edge situated at the transition between the vegetation and plowed and terraced agricultural field, much as it appears today. It is worth noting that one of the field's terraces was located at the western edge the project area in 2008, suggesting soils in this area may be disturbed (NETR 2023).

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In addition to the Perry Cemetery, Legacy reviewed the historic and modern aerial photographs and maps for the Foster Vicinity Cemetery. The landscape where the vicinity cemetery may be located has remained largely unchanged since 1962. A stock pond was constructed near a stand of trees in the middle of the vicinity cemetery circle between 1966 and 1979, and the vegetation in this area has increased gradually over time. The surrounding agricultural fields were heavily terraced in 2014 and 2018, but the cultivated areas have not expanded or contracted in size over the years. As in the instance of the Perry Cemetery, none of the topographic maps indicate a cemetery is present in this vicinity.

## **Methods**

Legacy archaeologists will conduct a pedestrian survey of the 0.26-acre project area in transects spaced 30 m apart to look for evidence of grave markers, coffin hardware, depressions, or other indicators of potentially unmarked burials. If located, these areas will be mapped with a handheld Global Positioning System (GPS) unit and prioritized for scraping. Working from the eastern edge of the project area (closest to the Perry Cemetery), Legacy will work with a backhoe and operator to scrape soil in approximately 4-inch levels with a smooth blade bucket (if available) to expose grave shafts. If grave shafts are not visible, scraping may continue to a depth of 3-6 ft below current ground surface to verify whether burials are present. If no grave shafts or burials are encountered within the easternmost portion of the project area, archaeologists will coordinate with THC to verify no additional scraping is needed or to move to a sampling strategy for the remainder of the project area. Excavation may be precluded by areas of dense vegetation or large trees.

If a burial or grave shaft is encountered, archaeologists will work with the backhoe and operator to delineate the cemetery boundary within the project area. Grave shafts/burial locations will be mapped with a handheld GPS unit. In addition, overall site photographs will be taken. If encountered, artifacts will be photographed and documented in the field but will not be collected.

If human remains are encountered during the course of this scraping, Legacy archaeologists will cover them with plastic sheeting and a layer of soil, following the treatment in the attached Human Remains Treatment Protocol (Attachment 1). THC will be notified of the discovery, which will remain protected in place unless the remains are in danger of being damaged or vandalized.

Archaeologists will fill out a TexSite form for the Perry Cemetery regardless of whether burials are located within the project area. This form will be submitted to the Texas Archeological Research Laboratory (TARL) to obtain a trinomial for the cemetery so that the future archaeological work will be able to refer to the current project report for additional information about the cemetery boundary.

In addition to field investigations, Legacy will conduct archival research on the Foster Vicinity Cemetery. The goal of this research will be to confirm whether Mr. Floyd Perry owned any of the parcels where the

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proposed road alignment will be constructed and to establish dates of ownership, since the Foster Cemetery was in Mr. Perry's pasture. This research will also provide information about whether the Foster family was directly associated with the property, and whether the cemetery location is referenced in the deed records. Historians will consult property records online at the Williamson County Clerk's office to establish a limited chain of title for Mr. Perry's property within the mapped area of the vicinity cemetery. Targeted census research will be used to discover relationships between the Perry, Foster, and Williams families. Results will be used to help determine the potential location of the cemetery and will include any relevant information that ties into the Perry Cemetery.

## **Report**

Once fieldwork has been completed, Legacy archaeologists will prepare a report that conforms to Council of Texas Archeologists (CTA) report standards. The report will include discussion of the project components, field methods and observations, recorded archaeological resources, and recommendations for ACT and Texas Health and Safety Code Section 711 compliance for any impacts that might occur as a result of the project. Maps showing scraping locations and any recorded archaeological sites will also be included. The report will include statements of significance as well as recommendations for any recorded archaeological sites' eligibility for listing as SALs or in the NRHP. A draft report will be submitted to the THC for review and comment.

Once the report has been accepted by THC, Legacy will prepare a final report for submission. Field paperwork will be prepared and submitted for curation at TARL at the University of Texas in Austin.

## References Cited

Abbott, James T. and Scott Pletka

- 2014 *Data Release: The Austin District HPALM Model*. Environmental Affairs Division, Texas Department of Transportation, Austin.

Bureau of Economic Geology

- 1981 Geologic Atlas of Texas, Austin Sheet. Francis Luther Whitney Memorial Edition. Available at <https://data.tnris.org/collection?c=e28d8df6-cd30-4e89-bf0f-833e1ed0e670#4.64/31.57/-100> Accessed August 28, 2023.

Find-a-Grave.com

- 2023a "Perry Cemetery Memorials," accessed August 28, 2023.  
<https://www.findagrave.com/cemetery/184659/memorial-search?cemeteryName=Perry%20Cemetery&page=1#sr-7275162>
- 2023b "Foster Cemetery Memorials," accessed August 28, 2023.  
<https://www.findagrave.com/cemetery/2360366/memorial-search?cemeteryName=Foster%20Cemetery>

McWilliams, Jennifer

- 2023 Personal Communication. Email about Foster Cemetery (WM-C123), Wednesday, May 17.

National Environmental Title Research (NETR)

- 2023 Historic aerials and maps. <http://www.historicaerials.com/> Accessed August 28, 2023.

Texas Archeological Site Atlas (Atlas)

- 2023 Texas Historical Commission. <https://atlas.thc.texas.gov/Account/Login?Length=5>, Accessed August 25, 2023.

United States Department of Agriculture Natural Resource Conservation Service (USDA NRCS)

- 2023 Williamson County, Texas Web Soil Survey. Available at <https://soilseries.sc.egov.usda.gov/osdname.asp> Accessed August 20, 2023.
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## ATTACHMENT 1

### Human Remains Treatment Protocol

Human remains will be treated with professionalism, respect, and care. Historic burials and cemeteries, including Native American burials and cemeteries, shall be treated in accord with provisions of Chapters 711 and 715 of the Texas Health and Safety Code, Title 9; Chapter 191 of the Texas Natural Resources Code; Title 13, Part 2, of the Texas Administrative Code, and the Native American Graves Protection and Repatriation Act (NAGPRA) as applicable. These laws require that any treatment, handling, exhumation, and reburial of human remains be done with dignity and respect for the individual. They also provide a legal process for burial removal and protect burials from intentional disturbances.

If potential human remains are encountered during field work, the bioarcheologist will assess the remains to determine whether the finds are human, faunal, or indeterminate. Indeterminate remains will be treated as human unless context can confirm they are faunal. If the remains are human or indeterminate, Legacy will immediately notify the THC and K. Friese and Associates of the discovery.

The bioarchaeologist will document the human remains using recording forms that follow the standards for data collection for human remains and will record the location of the remains with a hand-held GPS Trimble unit. Remains analysis in the field will be non-invasive and will include recording presence, condition, context, and preliminary measurements and/or assessments, when possible, for stature, biological sex, biological affinity, age, and pathology identification. Photographs of human remains will not be allowed except for the archaeologists and bioarcheologist taking photos to document the burials and/or remains in the field and during *in-situ* analysis. Absolutely no photos or video of human remains may be taken by or provided to the media or the public or posted on any social media.

If remains are discovered *in situ*, the bioarcheologist may perform exploratory excavations to determine whether the remains are human and whether they are part of an intact burial or represent a scattered, disarticulated part. The bioarcheologist will endeavor to limit the extent of the exploratory work to the degree possible. Exposed human remains will be covered by landscape fabric and then a shallow blanket of soil to protect the discovery from damage and to prevent unnecessary exposure until the project sponsor determines whether the remains can be avoided by the project.

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