



**Westside Creeks Restoration
Oversight Committee (WCROC) Meeting
San Antonio River Authority
In-person: 100 E. Guenther St.
Virtual: GoToMeetings
November 18, 2025 - 6 p.m.**

Committee Members Present

Robert Ramirez, Co-Chair
Rita Maria Contreras Avery, Bexar
Audobon Society
Mary Ann Valdez-Hernandez,
Historic Westside Residents Assoc.
Austin Kelm, Martinez Creek NA
Rebecca Carisales, Prosper West

Anna Alicia Romero, SAISD
William Buhrman, St. Mary's Univ.
Chloe Lash, OLLU
Mark Kusey, SA Conservation Society
Rick Hernandez, Los Bexarenos Genealogical
Maia Woodall, Student At-Large
Abel Ramirez, SA Wheelman Association
Dr. Kamala Platt, Texas Tejanos

Staff and Public Present

Derek Boese, RA
Kendall Hayes, RA
Noah Fuentes, RA
Rebecca Krug, RA
Nicole Marshall, RA
Margarita Saldana, RA

Christina M. Castaño, Ximenes & Assoc
John Watson
Mickey Clemmons
Richard Garay
Robert Rodriguez
Genesis Silveyra

I. Welcome

Co-Chair Robert Ramirez called the WCROC meeting to order.

II. Roll Call – Kendall Hayes, RA

Ms. Hayes called the WCROC roll. The committee members who were present, either in person or online, are listed above. A quorum was met.

III. Approval of Meeting Minutes – October 2025

The meeting minutes were approved unanimously.

IV. Calendar Items – Kendall Hayes, RA

Slide 5: Ms. Hayes provided an overview of all items on the related PowerPoint slide. Chair Ramirez reminded everyone that the December WCROC meeting is cancelled, as is customary for the holidays, and will resume January 20, 2026.

V. General Manager Update – Derek Boese, RA

Mr. Boese provided updates on the slides 7-9, respectively.

Slide 7: The federal shut-down ended this last week, and Congress is working on a continuing resolution that would run through January 30, 2026. We do not anticipate any financial impacts

to westside creeks. Staff will continue to stay updated on this issue and will notify the committee as needed.

Slide 8: RA continues coordination with the United States Army Corps of Engineers (USACE), with the next meeting scheduled this week (video conference meeting). USACE recently released the Implementation Guidance for 1043(b) of WRRDA 2014. The WSC is an eligible project, and the RA is an eligible non-federal sponsor. The topic of the forthcoming meeting is to develop the RA's application for Section 1043(b). Mr. Boese reported that the RA is advocating to assume a project management role in the construction of the WSC, citing the RA's extensive experience with this guidance, as demonstrated by the successful execution of the Mission Reach project. The Mission Reach was completed both on schedule and within budget.

Slide 9: Saturday, December 13th, the RA is hosting the River of Lights, a free festive community winter celebration.

VI. Project Status Update, Rebecca Krug, RA

Ms. Krug provided updates on the slides 12-15, respectively.

Slide 12: Ms. Krug provided an update on real estate coordination efforts with the Texas Department of Transportation (TxDOT), the City of San Antonio (CoSA), San Antonio Independent School District (SAISD) and Opportunity Home.

Ms. Krug reported continued progress on real estate acquisitions. Productive discussions have been held with TxDOT, resulting in approval for an acquisition within the City of San Antonio located in TxDOT right of way.

Progress with SAISD acquisition continues. The RA has extended an offer, which is currently under consideration by SAISD. For this acquisition, the purchase price exceeds the amount approved by the USACE; however, the RA has authorization to proceed with the understanding that full reimbursement will not be received.

Furthermore, the RA conducted a constructive leadership meeting with Opportunity Home's real estate team and anticipates presenting to their Board for approval to apply to the U.S. Department of Housing and Urban Development (HUD), the federal agency responsible for overseeing Opportunity Home operations. As part of this process, HUD must formally dispose of its property to allow the RA to acquire the land for the WSC. The RA staff extends appreciation for the collaborative efforts with both Opportunity Home and HUD throughout this transaction.

Finally, the CoSA acquisition is advancing as planned. All acquisitions are scheduled for completion in Spring 2026.

Slide 13: Schedule Update— USACE is currently developing the design contract for the engineering team. The engineers will soon commence incorporating enhancements and supplementary (betterments) work items into the design scope, along with undertaking the complete restoration of Martinez. Upon completion of this process, the schedule will be revised accordingly, and the committee will be informed of the updated schedule.

Slide 14: Ms. Krug proceeded to provide an update on the Apache Creek Remediation project. The RA's contractor, Summit Environmental Services LLC, has begun work and is progressing as planned and on schedule.

Slide 15: Ms. Krug provided an update on the remediation excavation with an overview of several progress photos.

VII. Review of Proposed Amendment to Committee Guidelines & Responsibilities Proposals, “Meeting Protocol, Committee Co-Chairs

Co-Chair Ramirez mentioned that so far, just one proposal has come in, and it was his own submission concerning ongoing absences from meetings. Ramirez proceeded to explain the rationale behind his proposal. Ramirez proceeded to request the committee's consideration of this proposal, with the expectation that a vote on the proposal will take place in January 2026. Lastly, Ramirez proceeded to request RA staff to send the revised/updated proposal for action in January 2026.

VIII. Discussion and Appropriate Action to Establish Subcommittees for Additional Improvement, Committee Co-Chairs

Co-Chair Ramirez stated that Co-Chair Sandoval is the lead on this issue. He went on to mention that seven subcommittees will be established, but this matter will be scheduled for discussion in January 2026. Ms. Hayes will send the seven proposed subcommittees to the committee for members to choose which to join at the January 2026 meeting, and will also send the slides from last meeting that provides more context on the subcommittees.

IX. Citizens to Be Heard

Richard Garay: With the American Indians of Texas (AIT) at the Spanish Colonial Missions. He stated that two years ago, the AIT submitted a six(6) page letter to the USACE. Mr. Garay inquired if USACE provided a response or any updates so that he could take the information back to his organization. He reiterated that the AIT is most interested in the historical nature, and information that is being recorded. Mr. Garay asked if USACE responded to the letter, as he would like to provide an update to the AIT membership. Mr. Garay provided a hard copy (included in the minutes) of the story of “The Battle of Alazan Creek”.

Co-Chair Ramirez stated that he and Mr. Roberto Rodriguez met with AIT in the past and had a great discussion with AIT. Co-Chair Ramirez further stated that AIT is a member of the advisory group for the project for the cultural resources survey. Ms. Hayes stated that staff will look into this request and get back to Mr. Garay.

X. Miscellaneous Items

Co-Chair Ramirez introduced Noah Fuentes, the new RA staff person that will be taking over the role of Ms. Hayes for the WCROC, as she has been promoted to Chief of Staff at the RA.

XII. Adjourn

Co-Chair Ramirez adjourned the meeting at 6:45 p.m.

Attachments:

- WCROC on-line chat
- Citizen to be Heard, Mr. Garay's written submittal (11 pages)

Westside Creeks Restoration Oversight Committee Meeting

November 18, 2025 · 4:46 PM · ID: 202614757

Chat

Kendall Hayes sent a chat · 5:55 PM

Thank you for joining us for the November meeting of the Westside Creeks Restoration Oversight Committee. We will begin around 6:00 PM. In the meantime, we kindly ask that our online participants sign in using this form: <https://forms.office.com/r/Cv6AanK8nS>

Kendall Hayes sent a chat · 6:03 PM

Thank you for joining us for the November meeting of the Westside Creeks Restoration Oversight Committee. We will begin shortly. We kindly ask that our online participants sign in using this form: <https://forms.office.com/r/Cv6AanK8nS>

AnnaAlicia Romero -SAISD sent a chat · 6:04 PM

Good evening! Anna Alicia Romero of SAISD here. :D

Kendall Hayes sent a chat · 6:19 PM

Thank you for joining the November meeting of the Westside Creeks Restoration Oversight Committee. Please sign in using this form to indicate if you would like to make a public comment towards the end of the meeting: <https://forms.office.com/r/Cv6AanK8nS>

AnnaAlicia Romero -SAISD sent a chat · 6:37 PM

Congratulations, Kendall! What is Noah's last name?

AnnaAlicia Romero -SAISD sent a chat · 6:38 PM

Thank you, Kendall. You have been so responsive and persistent in engaging us all. Kudos!

AnnaAlicia Romero -SAISD sent a chat · 6:39 PM

My mic is not working

AnnaAlicia Romero -SAISD sent a chat · 6:39 PM

And THANK YOU

Bexar county's forgotten Battle of Alazan Creek.

By Richard Santos, Archivist of Bexar, County.

San Antonio Express newspaper, June 18, 1966, Saturday.

Of the six major battles which occurred within present Bexar County during the colonial period, the one fought near the Alazan Creek on June 20, 1813, remains the only unmarked, unevaluated and unexploited one. Numerous books have been written of the Battle of the Alamo, and countless paragraphs devoted to the Siege of Bexar (1835) and battles at Concepcion (1835), Medina (1813) and Rosillo (1813). Moreover, historical markers and or monuments of one form or another have been erected at these sites to commemorate the events, but never at the Alazan. Therefore, it is this writer's objective to depict the battle without necessarily evaluating its impact upon the history of Texas and thus commemorate the 153rd anniversary of the event.

Dusk, June 20, 1813, found some 1,500 men moving silently through the streets of San Antonio. Quietly they traveled south on Calle Real past San Pedro Creek. Laredito and the cemetery. On they went stumbling through the shadowy plains west of the city that led to the Alazan Creek.

Upon reaching the creek, the infantry dispersed to their position as the cavalry dismounted and the artillerymen set their bastions. Over 800 Anglo-American volunteers took their assigned positions upon the enemy's flanks while the native Mexican insurgent force prepared to charge the center.

Far behind the enemy and encircling the battlefield were the Tonkawas, Townkans and Lipan Apaches anxiously waiting to chase, capture and scalp any runaway troops and thus collect their booty and reward.

Such was the scene in the attacker's quarters as the Republican Army of the North under the command of Bernardo Gutierrez de Lara and Major Henry Perry prepared their assault.

Some 500 yards west of the Alazan was encamped a Spanish royalist force under the command of Col. Ygnacio Elizondo. The force, composed of some 700 regular soldiers and over 300 volunteers, was preparing to attack San Antonio.

Col. Elizondo, who had figured prominently in the capture of Father Hidalgo some two years before, was not attempting to further his glory by reconquering the province of Texas from the anti-Spanish insurgents.

Elizondo was still trying to prove his loyalty and zeal to the crown since he had changed sides twice since the opening of hostilities in 1810. He had first joined the rebels in Monclova, Coahuila, and had been entrusted with the Spanish governors of Texas after their captivity in 1811.

Texas Governor Salcedo, however, soon convinced Elizondo he would reap greater benefits by remaining loyal to the crown. Salcedo and Elizondo, then enlisted the aid of San Antonian Enrique Felipe Neri, the Baron de Bastrop, to lead Father Hidalgo's army into ambush at Norias de Bajan, Coahuila, which was successfully carried out on March 21, 1811.

Instead of laurels, Elizondo apparently met with mistrust as he was never promoted or aptly rewarded, even though he had helped return the provinces of Texas and Coahuila to the Spanish empire.

Elizondo's second opportunity appeared in 1813, when the insurgent Republican Army of the North invaded and captured Texas. The rebels entered Texas through Nacogdoches in 1812, sustained a prolonged siege at Goliad and finally turned toward San Antonio.

The major battle of the expedition was fought on March 19, 1813, at the Rosillo Crossing on the Salado Creek, which ended when the Spanish royalists abandoned the battlefield. The Spanish governors had no alternative but to surrender San Antonio and the Province of Texas on April 1. Four days later, Governors Jose Maria Salcedo and Simon de Herrera were assassinated with their political and military staffs upon the banks of Salado Creek.

Elizondo now had two reasons to redeem his honor. First to reconquer the Province of Texas; and second, to avenge the governors' assassination.

In order to accomplish this the colonel had to disobey his commanding officer, Brig. Gen. Joaquin de Arredondo, who had ordered Elizondo to advance to the Frio River but no further. Instead, the impatient colonel advanced to the very outskirts of San Antonio and asked the insurgents to surrender! Even worse, he underestimated his enemy's ability and pitched camp without the necessary precautions.

Neither scouts nor pickets were posted by the Spaniards as they settled for a good night's rest on June 19. Only two bastions of six artillery pieces, 300 yards from each other, protected the camp. Moreover, the royalists overcrowded their encampment by allowing the camp-followers, wives and children to mingle with the troops.

The insurgents had barely taken their positions about the Spanish camp as the first rays of light sprouted over the horizon.

Meanwhile, the insurgents' artillery pieces were carefully loaded with canister and scarp-iron and aimed upon the kneeling mass of humanity. Then, during one of those quiet, sacred passages of the mass, a deadly order sliced the morning breeze upon the Alazan; Fire!

Confusion grasped the Spanish camp as soldiers, women and children fell dead or dying to the ground. Then as the Spaniards made their way to their guns, they met with the full onslaught of the insurgent cavalry. With a solid green banner for a flag, Gutierrez de Lara led his men through the very center of the Spanish camp sparing no one in their path.

Soon the Spaniards managed to rally their forces and recapture most of their lost ground. For over an hour and a half there were constant charges and counter-charges made for the artillery emplacements. However, the Spaniards soon began to give way as the bloodiest part of the two-hour battle took place.

The pursuing insurgent cavalry was joined by their Indian allies as the royalists were butchered mercilessly regardless of age or sex. Only those mounted on fleet horses were able to escape with their scalps.

Col. Elizondo, who had two horses shot from under him, managed to catch up with the remnants of his army, some 15 miles from the battlefield as they hurriedly made their way to the Rio Grande.

The victorious Republican Army captured 40 mule loads of flour, 4,000 pounds of biscuits, 300 guns and muskets, 5,000 pounds of powder, \$28,000 worth of goods and clothing and some \$7,000 worth of miscellaneous goods including saddles, liquor, coffee, cigars and "other luxuries." Most of the captured 2,000 horses and mules were paid out to the Indians in exchange for which were collected indiscriminately.

Victory at the Alazan soon turned to defeat for Gutierrez de Lara as he was replaced by U. S. backed General Jose Alvarez de Toledo.

Toledo, mistrusted by the native Mexican volunteers, destroyed the army's morale by dividing the force into groups of "Mexicans," "Anglos" and Indians. The assimilated army which had fought victoriously at Nacogdoches, Goliad, Rosillo and the Alazan now prepared to meet the disciplined troops under Brig. Gen. Arredondo as a disorganized, demoralized force.

As expected, the Spaniards soundly defeated the Republican Army near the Medina River on Aug. 18, 1813.

Col. Elizondo and a young lieutenant, Antonio Lopez de Santa Anna, joined their commanding officer in one of the worst bloodbaths ever to be witnessed in Texas. Before it was over, Elizondo, was fatally wounded by one of his own sub-alternates who could no longer participate in the massacres.

The discredited Gutierrez de Lara went on to join two other revolutionary expeditions and later became governor of Tamaulipas after Mexico gained her independence from Spain.

THE SECOND FLYING COMPANY OF ALAMO DE PARRAS

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June 23, 2023

Kenneth Shingleton
Chief, Cultural and Environmental Program Support Section
Regional Planning and Environmental Center
Department of the Army
U.S. Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Requested Tap Pilam Coahuiltecan Nation and AIT-SCM comments on Westside Creeks Ecosystem Restoration and associated Recreation Features in San Antonio, Texas.

Dear Mr. Shingleton,

The Tap Pilam Coahuiltecan Nation (Nation) appreciates your May 23, 2023 notification seeking our Nation's comments for the above reference federal Undertaking. Our Nation established the American Indians in Texas at the Spanish Colonial Missions (AIT-SCM) as a non-profit 501c3 organization to address the needs of our Nation and respond to local, state, and federal agencies as our representative under Executive Director Ramon Vásquez.

Our Nation is comprised of documented direct lineal descendants, and our people are culturally affiliated with pre-1700s and post-1700s indigenous peoples of Texas. With these documented facts in mind, AIT-SCM offers our comments on the Westside Creeks Ecosystem Restoration Project under 36CFR800.2(c)(2)(ii)(A) and 36CFR800.2(c)(5). As defined in the Section 106 process under these citations, our Nation is honored for the opportunity your agency offers us. AIT-SCM comments identify our concerns about our associated historic properties and provide advice on the identification and evaluation of these historic properties, which have traditional religious and cultural importance to our people. Comments presented in this response letter articulate our Nation's views on the undertaking's effect on such properties, and we request to continue our participation in the resolution of any potential adverse effects

6-23-2023

Letter to U.S. Army

Corps of Engineers
from AIT-SCM



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under the Programmatic Agreement (PA) Stipulation X. Since our Nation was not consulted under the Section 106 process during the development and signing of the PA, AIT-SCM offers comments on the PA, which are applicable to your agency's requested comments on the proposed draft USACE cultural resources survey scope of work (SOW) and the undertaking's Area of Potential Effect (APE).

Our Nation is concerned about the structure of the PA under Stipulation IV.A. and IV.B.—Treatment of Native American and Non-Native Human Remains. Regarding the rights under Chapter 711 of the Texas Health and Safety Code and applicable provisions of the Texas Code of Criminal Procedures referenced in Chapter 711, as written the PA affords these basic rights to Next of Kin, (lineal descendants) of Non-Native peoples. Resolution of adverse effects under Chapter 711 may be addressed in County Court under 36CFR800.3(b)—the use of State law to meet requirements of Section 106. Yet, as Native Americans, the PA offers our Nation only 30 days to comment without regard to our people's rights as Next of Kin under Chapter 711. Our Nation respectfully proposes that the USACE amend the PA and invite our Nation to serve as a PA signatory, under 36CFR800.3(f)(3) and 36CFR800.6(2). Our Nation's representative, AIT-SCM, can serve the USACE with the specific role of addressing the PA's disparity and be a designee as a sole source contract under the use of other contractors [36CFR800.2(a)(3)] to prepare and in-depth archival information report prior to approval of the proposed SOW. Our Nation maintains proprietary records and qualified professional work, and AIT-SCM can provide analyses and recommendations regarding this undertaking, because the West Side of San Antonio along San Pedro, Alazán, Apache and Martinez Creeks is a documented traditional location of our people's villages prior to and after direct contact with Spaniards in 1691. The proposed project site was a Historic Native Village and in the mid to late 19th Century was referred to locally as "Indian Village," or the "Beggar's Settlement". In the early 20th-century this area became known as the "Corrales," which they viewed as shanti domestic structures along the creek banks that were wiped out in the 1920's flood. This later became the reason for the development of the 1st Public Housing Project in the United States. Our Nation attaches cultural and religious significance to this proposed project site.

The proposed draft SOW references the Battle of Alazán, which took place in the proposed undertaking APE, and infers the potential for burials associated with this battle within the APE. As written, the PA would not cover burials and deep material culture horizons within "horizontal footprint of the undertaking," because these types of historic



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properties would be within the vertical footprint of the undertaking. Based on our past and persistent cultural tradition, wherever our bodies, or portions of our bodies, died, our people would bury the individual on the spot so the spirit could recognize the portal to the other worlds associated with our religious ideology. In several cases, archaeologists have discovered a single tooth or finger bone buried in a location not associated with Western concepts of a cemetery; upon the news of a loved one's death, the wife or mother would sever a finger from their hand and bury the finger at that location. In our culture, we sometimes buried the horse of the deceased loved one above the body out of respect. More often, culturally unaffiliated archaeologists have misunderstood this type of religious cultural practice and the significance of the discovery to presence of our heritage and relational attachments to our cultural landscape. These are just a few examples of how our participation in the Section 106 process can be beneficial.

Under the PA Stipulation I.B., the USACE ensures that all work conducted in conjunction with this PA is performed in a manner consistent with standard federal publications. Our Nation acknowledges this undertaking is not standard, because the El Camino Real de los Tejas National Historic Trail (ELCAT) crosses Alazán and Apache Creeks within the proposed APE, as defined by the National Park Service and promulgated by the U.S. Congress. Contributing components of ELCAT include our prehistoric and historic villages, as defined in the Multiple Property Documentation Form, as well as our shared communal areas within spring, creek, and river basins, which South American Spanish Colonial scholars refer to as *Tierras de Rodeo del Medio*. Swale road remnants of our former Native trails and our Traditional Cultural Properties are present within the undertaking's proposed APE and connected beyond the ordinary high water mark. Our Nation requests the federal permit area include an APE that reflects this type of linear crossing of the creeks, as defined by the USACE's Appendix C of 33CFR325.1(g)(4)(ii). Moreover, our Nation recommends the USACE amend the PA Stipulation I. B. to include National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties; National Register Bulletin 18, How to Evaluate, Nominate, and Designate Historic Landscapes; and National Register Bulletin 36, Guidelines for Evaluating and Registering Archaeological Properties. Our Nation also recommends that the USACE contact the National Park Service National Trails Office Regions 6/7/8 in Santa Fe, New Mexico, if your agency



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signatory to the PA, since the federal undertaking may have an Adverse Effect to the ELCAT and associated components of the National Historic Trail?

Based on past precedent for large multi-year undertakings where effects on historic properties cannot be fully determined prior to approval of an undertaking [36CFR800.14(b)(1)(ii)], proposed federal undertaking APEs have been based and developed on a Historic Resources report that meets the Secretary of the Interior's Standards and Guidelines for Historic Documentation. Moreover, the draft SOW addresses archival research as an afterthought to initiating an intensive archaeological survey. Our Nation recommends the USACE amend the PA. Stipulation I. D. by redefining "background research" as a separate in-depth archival report that is commensurate with a Historic Resources report and it's regulated format to guide in the identification of Historic Properties. Past in-depth archival studies for archaeological surveys have not been prepared in the Secretary of the Interior's regulated format, and these out dated archival resources would be inadequate for consideration as part of this undertaking.

In addition, the PA Stipulation I.D. states that some areas of the undertaking APE may "...not need to be surveyed for cultural resources due to prior adequate coverage by a concurred [*sic*] with cultural resources survey." Our Nation recommends the USACE amend the PA. Stipulation I.D. by removing this clause, because none of the previous project sponsors that have completed archaeological surveys in the undertaking's APE have offered our Nation an opportunity to comment and incorporate our knowledge and concerns about Historic Properties in the area. As written, the PA Stipulation I.D. does not comply with the Secretary of the Interior's Guidelines for Preservation Planning under the Review and Revision guideline, which requires planning documents "... to keep it up-to-date and useful" (Federal Register Vol.48 No.190:44717). The Secretary of the Interior also requires documents resulting from the planning process "...must also be updated" (Federal Register Vol.48 No.190:44718). Moreover, the role of identification in the planning process requires "...results of identification are ... based on the most up-to-date information" (Federal Register Vol.48 No.190:44721). Lastly, "Evaluation should not be undertaking using documentation that may be out of date" (Federal Register Vol.48 No.190:44724), and any previous archaeological surveys that did not consult with our Nation would be considered out of date, because the SOW currently does not take our knowledge and concerns into consideration.



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Our Nation also recommends the USACE amend the PA Stipulation I.D. and redefine the clause for monitoring to be conducted only after the entire project APE has been archaeologically surveyed to identify Historic Properties. Since the undertaking will require an antiquities permit, by definition monitoring is not adequate level of effort to determine if the undertaking will have No Effect; the result of monitoring can only be a determination that archaeological survey is necessary to comply with the Antiquities Code of Texas and the National Historic Preservation Act.

Our Nation intends the comments presented above for amendment of the PA and the proposed draft SOW and APE to prepare better for identification of historic properties, inadvertent discovery situations, avoid costly project delays, and facilitate the Section 106 process. Our Nation's comments express our knowledge and concern regarding the PA language and reflect our intention to assist the USACE in its effort to identify the "full range of historic properties that may be affected by an agency ... including traditional cultural properties, designed and other cultural landscapes, historic linear features," according to 36CFR110(a)(2)(A).

In terms of the proposed restoration measure that include riparian meadow and woody vegetation planting, our Nation was not consulted during the planning stages for this type of development. As proposed, the restoration measures are not consistent with our persistent indigenous cultural practices of arboriculture, viticulture, and agriculture. Our Nation proposes that the USACE include planting nut-bearing trees, such as pecan and fig trees with grapevines, medicinal herbs, and edible plants instead of the woody vegetation, in addition to the riparian meadow. AIT-SCM has archival documents that demonstrate our relational attachment to our cultural landscapes, and the people of San Antonio would benefit from these types of restoration measures. In addition, AIT-SCM can provide comments on interpretive panels as part of the specific role as a designee for USACE. The possibilities of this undertaking to restore the landscape to something similar to our cultural experience in the 18th-century is exciting, and we hope for you agency.



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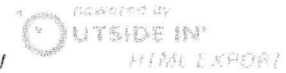
Our Nation and AIT-SCM look forward to continued consultation to preserve our indigenous cultural heritage within the Westside Creeks Ecosystem Restoration undertaking.

Thank you,

Ramon Vasquez
Executive Director



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Appendix A

Effective Aug.5, 2004, the Section 106

Regulations (36CFRPart 800) were amended.

1. § 800.6 Resolution of adverse effects.

1. (c) *Memorandum of agreement*

2. (ii) *Properties located off tribal lands*

3. (4) *Reports on implementation*

4. (6) *Discoveries*

- (c) *Memorandum of agreement.* A memorandum of agreement executed and implemented pursuant to this section evidences the agency official's compliance with section 106 and this part and shall govern the undertaking and all of its parts. The agency official shall ensure that the undertaking is carried out in accordance with the memorandum of agreement. (p.7)
- (ii) The agency official may invite an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties located off tribal lands to be a signatory to a memorandum of agreement concerning such properties. (p.8)
- (4) *Reports on implementation.*

Where the signatories agree it is appropriate, a memorandum of agreement shall include a provision for monitoring and reporting on its implementation. (p.8)

- (6) *Discoveries.* Where the signatories agree it is appropriate, a memorandum of agreement shall include provisions to deal with the

subsequent discovery or identification of additional historic properties affected by the undertaking. (p.8)

2. § 800.13 Post-review discoveries

(3) If the agency official has approved the undertaking and construction has commenced, determine actions that the agency official can take to resolve adverse effects, and notify the SHPO/THPO, any Indian tribe or Native

Hawaiian organization that might attach religious and cultural significance to the affected property, and the Council within 48 hours of the discovery. The notification shall describe the agency official's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council shall respond within 48 hours of the Notification. The agency official shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. The agency official shall provide the SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council a report of the actions when they are completed.

2. § 800.11 Documentation standards

1. (d) *Finding of no historic properties Affected*

2. (e) *Finding of no adverse effect or adverse effect.* Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;

(2) A description of the steps taken to identify historic properties;

(3) A description of the affected historic properties, including

information on the characteristics that qualify them for the National Register;

(4) A description of the undertaking's effects on historic properties;

(5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects

3. **Subpart C-Program Alternatives - § 800.14 Federal agency program alternatives**

(1) *Identifying affected Indian tribes*

and Native Hawaiian organizations.

If any undertaking covered by a proposed program alternative has the potential to affect historic properties on tribal lands, the agency official shall identify and consult with the Indian tribes having jurisdiction over such lands. If a proposed program alternative has the potential to affect historic properties of religious and cultural significance to an Indian tribe or a Native Hawaiian organization which are located off tribal lands, the agency official shall identify those Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to such properties and consult with them. When a proposed program alternative has nationwide applicability, the agency official shall identify an appropriate government to government consultation with Indian tribes and consult with Native Hawaiian organizations in accordance with existing Executive orders, Presidential memoranda and applicable provisions of law.

3. **§ 800.16 Definitions**

(l)(1) *Historic property* means any prehistoric or historic district, site,

building, structure, or object included in, or eligible for inclusion in, the

National Register of Historic Places maintained by the Secretary of the

Interior. This term includes artifacts, records, and remains that are related to

and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

(m) *Indian tribe* means an Indian tribe, band, nation, or other organized

group or community, including a native village, regional corporation or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.