Meeting Minutes

INTRODUCTION

- TPWD provided an introduction to the meeting and asked that each attendee identify themselves and state the group they were representing.

- NAVSEA encouraged attendees to review Section 106 of NHPA, and clarified agencies’ roles in the process – TPWD, NAVSEA, ACHP, THC.

- NAVSEA indicated that they will make sure all concerns are heard and ensure the consultation process is conducted in accordance with the governing federal law.
ALTERNATIVES

- TPWD provided a summary of alternatives to date and tiered approach.
  - Tier 1 undertaken prior to completing the engineering analysis due to lack of knowledge of the final location for the dry berth—investigated options both on and off-site; sites had to meet preliminary evaluation criteria established by TPWD.
  - Studies undertaken during Phase 1 showed that the ship’s condition is more deteriorated than originally thought.
  - In addition, cost estimates indicated that Options 1-4 would exceed funds allocated by the State (not including the costs to repair the ship, which remains undetermined).
  - Now working under Tier 2—investigating the ability to dry-berth the ship any way possible with available funds, considering results of Phase 1 studies.
  - The Criteria used for identifying alternative sites requires that the land be owned and operated by TPWD; therefore, unless fundamental project parameters change (such as substantial additional funding and a viable and reasonable alternative put forth by a consulting party) off-site locations on property not owned by TPWD will not be considered further due to excessive cost. In accordance with the Texas legislature mandate, current funding for the project is contingent on the ship being dry berthed at the battleground.

- Option 5
  - Though investigations of this option have just begun, TPWD indicated that Option 5 (termed “the sandbox”) is the current preferred alternative.
  - Texas Navy stated that they like Option 5.
  - SJBC asked whether TPWD is looking at reversibility of Option 5, and TPWD indicated that they are.
  - BTF asked when a cost estimate and feasibility study will be available on the “sandbox”, and TPWD indicated that it will likely be available in May.
  - NAVSEA stated that they believe the “sandbox” looks like a good possibility.
  - SJBC said we need to know how long the ship’s integrity will be maintained if the “sandbox” can be built within the budget.
SJBC stated that there needs to be a maintenance schedule for Option 5, as the legislature will need to keep funding it.

TPWD said that they hope to be able to accomplish maintenance more easily once the ship is dry berthed.

SHIP REPAIRS

- SJBC asked what the preservation criteria are for a vessel under National Register Criterion C – this is necessary in order to evaluate alternatives and maintain transparency in the process.
- NAVSEA indicated that what’s also relevant is how the proposals would impact the integrity of the ship; materials should be “like in kind” and cannot destroy key characteristics of the ship.
- NAVSEA and TPWD stated that they are committed to making each repair as historically accurate as possible within the limitation of the repair and materials available.
- THC stated that the group needs to know what repairs are required to stabilize the ship vs. what would be required for the dry berth.
- TPWD stated that their consultant is looking at this but that it is difficult to do, as the suite of repairs may be different depending on whether the ship is to remain in the wet or be moved to the dry.
- TPWD indicated that they are using criteria from the Department of the Interior (Standards for Historic Vessel Preservation Projects, May 1990); they’re looking at the period of significance and what makes the ship historic.
- Texas Navy indicated that they hope “non-historic changes” can be made to the ship if necessary.

APE

- AECOM described rationale for APE boundary – APE presented applies to On-site alternative locations Options A-F (per display board used during the meeting).
- SJHD suggested that trees may change and thus the APE should include the entire park.
• SJBC indicated that there could be increased traffic, visitors and noise as a result of the dry-berth project and thus it could impact the entire battleground.

• SJBC stated that the De Zavala home site should be included within the APE due to the potential for visual effects.

• SJBC indicated that they intend to revise the San Jacinto Battlefield NHL nomination to include additional lands, both owned by TPWD and by private parties, because the existing boundaries are inaccurate; they expect to have the revised nomination complete by the end of the year.

• THC acknowledged that the National Register nominations for the battleship and the battleground were completed early in the program and that standards have changed.

• THC indicated that SJBC should provide the new boundary for TPWD’s consideration in finalizing the APE. SJBC agreed to submit revisions.

• NAVSEA stated that the APE is not static and can be expanded in the future.

• BTF stated that they oppose expanding the APE as it might delay the process; NAVSEA responded and explained that expanding the APE should not lengthen the process.

OFF-SITE PROPOSALS

• NAVSEA stated that TPWD has considered off-site locations.

• TPWD indicated that since they don’t have sufficient funds to dry berth the ship under the Tier I options at the battleground, they can’t expend the funds to repair her, tow her to another TPWD-owned site, and construct a dry berth there.

• Texas Navy asked whether TPWD would consider an off-site location if a facility and dry dock were donated to them.

• TPWD indicated that the ship will need to be on TPWD-owned land.

• TPWD also stated that they would consider a donated site, but that they would have to get approval from the legislature.

• SJHD asked why moving the ship should be considered.

• SJBC responded by saying that the ship interferes with the integrity of the battlefield, and the proper interpretation of both the battleship and the battlefield (in their proper historic context).
• SJBC also stated that visitation to the ship is low, and that if it were moved, there could be additional tourist infrastructure that could result in an increase in visitation; additional funds could help support the maintenance of the ship, reducing the need for state subsidies.

• Texas Navy indicated that they think if the ship were moved to Galveston, visitation could be 350,000 in the first year.

• BTF said that the battleship would need to be located at the battleground in order to get the state funds for the dry berth project.

• BTF stated that once the dry berth is complete, they will be able to increase the capital campaign to raise more funds to support the maintenance of the ship.

• Tammie Nielsen (for Rep. Ken Legler) asked whether the ship could really be towed.

• BTF indicated that towing the battleship would be extremely costly.

• NAVSEA stated that, if the ship were to be relocated, the community would have to support her and infrastructure would have to be provided because the Navy is statutorily prohibited from providing financial assistance.

• SJBC said there has been no formal request for proposals for new sites.

• TPWD stated that the formal request was being made as a part of the Section 106 consultation process, and then made a request for alternatives to the consulting parties.

• TPWD indicated that proposals will be vetted through the Section 106 process.

• Nancy Burch (San Jacinto Museum) stated that the ship isn’t seaworthy and that it should be repaired so that visitation to the park and ship can be increased.

• State Representative Wayne Smith indicated that organizations have had 10 years to come up with other solutions and that it’s now time to move forward with the legislative directive.

• SJBC stated that the State of Texas can’t do anything that violates federal law.

• THC said that Section 106 requires that federal agencies seek ways to avoid, minimize, or mitigate adverse effects to historic properties. Ultimately it is the federal agency’s responsibility to consider the comments received from consulting parties and the public and make a decision as to whether it is appropriate to move forward with the undertaking.
NAVSEA said that the federal statute mandates the process; while they will seek concurrence, the process does not require that all parties be in agreement.

SJBC asked whether TPWD knows what it would cost to tow the ship.

TPWD indicated that it would cost approximately $1 million to do the towing study, due primarily to the analysis of the blister tanks.

Texas Navy stated that the towing study shouldn’t cost that much.

NAVSEA stated that if the State of Texas cannot repair the ship to NAVSEA standards, then it is ultimately possible that the ship would have to be scrapped. Under those circumstances, NAVSEA would require the state to tow the ship to Brownsville at the state’s expense.

EFFECTS

SJBC stated that we need to include O&M costs in the decision-making process.

THC stated that the current evaluation criteria are focused on alternative sites; there will be other criteria for evaluating the dry berth approach.

NAVSEA stated that cost is added-value information but that for Section 106 the issue is effects.

Attendees generally agreed that there is the potential for any of the 5 TPWD design options to create an adverse effect on the battleship and the battleground and that NAVSEA should thus initiate consultation with ACHP.

SJBC raised the issue of cumulative effects.

NAVSEA indicated that cumulative impacts will be addressed in detail in the NEPA process.

NAVSEA said that political issues have no bearing on the Navy in regards to this project; the Navy wants to protect the ship.

MISC

SJBC suggested that the purpose and need statement should be redefined to focus on conserving the integrity of the battleship for public use and enjoyment.

SJBC asked about the role of the NPS in the Section 106 process; TPWD indicated that they have been asked to be kept informed.
TPWD indicated that a public meeting (to be conducted in open house format) is planned for February 28, 2012.

SJBC asked whether any Tribal consultations have been undertaken – NAVSEA stated that none have been to date as no tribes have been identified with an interest in the area. However, NAVSEA will continue working with TPWD to identify tribes that may be potentially interested in the project.

SJBC asked whether members of the public could attend the consultation meetings periodically. NAVSEA responded by explaining that members of the public who have an interest in the project should contact TPWD and submit a formal request for consulting party status.

ACTION ITEMS

- SJBC will provide information on proposed changes to preliminary APE to TPWD, SHPO, and NAVSEA.
- TPWD will update the APE, with input from THC and NAVSEA.
- NAVSEA and THC will formally exchange letters regarding inviting ACHP to participate in the consultation, based on potential for adverse effects to battleground and battleship.

NEXT MEETING

- To be held March 6, 2012 in the morning.
- Potential agenda items:
  - Presentation of additional alternatives by consulting parties (have until May to provide alternatives to TPWD)
    - Provide information to other consulting parties in advance of meeting
  - Update about ongoing work on Option 5
  - Review revised APE
### Attendance Record

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<tr>
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<tr>
<td>Patty Matthews</td>
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<td>Andy Smith</td>
<td>TPWD</td>
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<td>Patricia Farnley</td>
<td>AECOM</td>
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<td>Thomas Gregory</td>
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<td>Ron Brown</td>
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<td>Will Fisher</td>
<td>Texas Navy</td>
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<td>Steven K. Howell</td>
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<td>Carol Jones</td>
<td>San Jacinto Battleground Conservation</td>
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<td>Scott Tisdell</td>
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<td>Laura Russell</td>
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<td>Kristen Brown</td>
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<td>Elizabeth Butman</td>
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<td>Michael Strutt</td>
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<td>Ruth Mathews</td>
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<td>Leslie Barres</td>
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<td>Casey Borowski</td>
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<td>Touwaia Cummings</td>
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<td>Capt. Chris Pietras</td>
<td>NAVSOE/SCOM PMS 223</td>
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<td>Nancy Burns</td>
<td>San Jacinto Chapter, DRT</td>
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<td>Garry McMahon</td>
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<td>Wayne Smith</td>
<td>State Representative</td>
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<td>Neil Thomas</td>
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<td>Tammie Nielson</td>
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