

Texas General  
Land Office



David Dewhurst  
Commissioner

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Rec'd  
Oct. 11, 2002  
SA1

10 October 2002

Mr. Sergio Iruegas, Archeology Division  
Texas Historical Commission  
P.O. Box 12276 - Capitol Station  
Austin, Texas 78711-2276

Re: proposed disposition of Tracts 4 & 5 of the former Central State Prison Farm property, now owned by the Permanent School Fund (ex: TxDOT)

Dear Mr. Iruegas:

Over the past two year period, we have completed comprehensive cultural resources reviews on several tracts of land out of the former Central State Prison Farm that GLO was proposing to dispose, and did dispose, on behalf of TxDOT (see Antiquities Permit Report No. 2659 for Tract 3, correspondence for Tract 6, dated 6 and 9 April 2001, copy attached).

↖ Myles Miller and I met on two past occasions to review Tracts 4 and 5, agreeing that these tracts had a negligible probability for the occurrence of any prehistoric site (after the areas adjacent to the Brazos River were removed from the tracts under consideration). Further, our review at that time indicated that the whole remaining acreage had been subjected to very intensive land modification practices for over a century and it would be unlikely for any site in these areas to retain the requisite integrity to be considered eligible for designation as a State Archeological Landmark (see Carpenter 2001, Antiquities Permit Report No. 2659 for a discussion of the similarly intensive land modifications found during survey on adjacent acreage). Consequently, we concluded that these tracts may be sold without the requirement of an archeological survey or conservation easement.

Recently, GLO acquired title to Tracts 4 & 5 from TxDOT on behalf of the Permanent School Fund, and we are proposing to sell the property, soon, for benefit of the PSF. I have prepared a brief report on the background of land use that also covers the history of construction and use of the major standing structures on Tracts 4 & 5 (copy enclosed).

In summary, none of the standing structures on the property would meet the criteria for listing in the National Register of Historic Places (none has been evaluated, however such Section 106 evaluation or review is not mandated as there is no federal undertaking proposed), is not now listed in the National Register, and thus, does not meet the eligibility requirements for

GERALD PATTERSON

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W H Y ↗



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Mr. Sergio Iruegas  
October 10, 2002  
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designation as a State Archeological Landmark under the Texas Antiquities Code.

Additionally, our review identified the location of the "Old Imperial Farm Cemetery" that was used for burying inmates who died on the prison farm. This cemetery contains 33 marked graves with the earliest dating 1912 (four years after the state bought the property) with only three graves post-dating the 1930s. The cemetery area is well delineated by the surrounding barbed-wire fence, re-built by TDCJ when the cemetery was "restored" (with the addition of a new metal sign) in 1997. We recommend that a conservation easement be granted on this fenced cemetery (plus a hundred-foot wide "no-build" buffer zone outside the fence) from the purchaser of the surrounding land to THC, and that it be recorded in the Historic Cemetery program prior to any future developments on the surrounding property. \* \* \*

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\* \* \* Consequently, we recommend that Tracts 4 & 5 may proceed to disposition without the necessity of further cultural resources review. \* \* \*

W H Y ?

Sincerely,

Bob D. Skiles, Director  
Cultural Resources Management  
Texas General Land Office

cc: Bo Tanner

**CONCUR**  
by William A. Thayer  
for F. Lawrence         
State Historic Preservation Officer  
Date 12/14/02



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**Jaynes, Thelma C SWG**

**From:** Terneny, Tiffany T SWG  
**Sent:** Thursday, December 11, 2003 12:08 PM  
**To:** 'David Sherrill'; Jaynes, Thelma C SWG  
**Subject:** RE: Newland Communities IP # 23235

David,  
 Although there is alot of great historic info on the buildings and "historic period" aspects to the property, there is no mention of a pedestrian survey of any kind addressing subsurface prehistoric deposits. I really do need more info to complete my review...

Tiffany Tanya Terneny  
 Archeologist  
 Planning, Environmental & Regulatory Division  
 USACE - Galveston District  
 P.O. Box 1229  
 Galveston, TX 77553-1229  
 409.766.3821  
 409.766.3064 FAX  
 tiffany.t.terneny@SWG02.USACE.ARMY.MIL

-----Original Message-----

**From:** David Sherrill [mailto:dsherrill@bergoliver.com]  
**Sent:** Thursday, December 11, 2003 8:43 AM  
**To:** Terneny, Tiffany T  
**Subject:** Fw: Newland Communities IP # 23235

----- Original Message -----

**From:** David Sherrill  
**To:** [Tiffany.T.Terneny@swg02.usace.army.mil](mailto:Tiffany.T.Terneny@swg02.usace.army.mil)  
**Cc:** [thelma.c.jaynes@swg02.usace.army.mil](mailto:thelma.c.jaynes@swg02.usace.army.mil)  
**Sent:** Wednesday, December 10, 2003 11:15 AM  
**Subject:** Newland Communities IP # 23235

Tiffany,  
 Attached please find the archeological assessment for the Newland Communities Individual Permit # 23235. I received a letter dated December 3, 2003 requesting information for the proposed project. The permit plans are scheduled to be published on the 30 comment period this week. Please review the attached archeological assessment which was provided to my client by the previous owner, The Texas General Land Office. Please let me know if this assessment is sufficient for your review OR if additional archeological work will be required.

Thank you, David

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NOT SUFFICIENT



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**Jaynes, Thelma C SWG**

**From:** Terneny, Tiffany T SWG  
**Sent:** Monday, January 12, 2004 8:42 AM  
**To:** Jaynes, Thelma C SWG  
**Subject:** FW: Permit 23235

Tiffany Tanya Terneny  
Archeologist  
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-----Original Message-----

**From:** Ed Baker [mailto:ed.baker@thc.state.tx.us]  
**Sent:** Monday, January 12, 2004 8:39 AM  
**To:** Terneny, Tiffany T  
**Subject:** RE: Permit 23235

The area along the river says future Sugarland City Park. It also will have a big levee and two new outfall channels that aren't illustrated on the site plans. I doubt that the area near the river will not be impacted, esp. by the construction of the levee.

Ed

Yep that is the one, thanks for the great info!

Tiffany Tanya Terneny  
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SEE  
REVERSE

-----Original Message-----

**From:** Ed Baker [mailto:ed.baker@thc.state.tx.us]  
**Sent:** Friday, January 09, 2004 2:44 PM  
**To:** Terneny, Tiffany T  
**Subject:** Permit 23235

This must be the one we talked about--do you know the name of the farm--the map says Central



Prison Farm--I don't that was the name originally. I talked to Bob Brinkmann (512-463-8769) our historian and historic architect. He can talk about structures with whoever does the work there.

There are also TDCJ archives that might explain how the particular functions of this particular farm worked--particularly during the first half of the 20th century. We've also seen stuff for the Clemens Farm in Brazoria County to the south and along the river--this one was bigger but is being sold off too. The Brazos plantations, and the older facilities at Rusk, Huntsville, and particularly at a place called Alto were supposedly real death camps.

This one may be part of the Imperial Farm I've read about in San Patricio County--It'd be pretty wild if we could get someone to correlate the first hand horror stories and archives with what's left on the ground. The two academic sources I have Penology for Profit (Texas AM press) and Texas Gulag (Republic of Texas Press) both go into great depth on the prison plantations, and offer a little bit on the pre-prison history of the plantations.

Steve Carpenter, now at SWCA is the only one I know who's done any real fieldwork on the plantations--he worked at GLO till recently and may have some insight if needed.

Ed

DON HUDSON  
T.D. C.T.  
BARON  
TID C HEIB AT  
COMPTERY DEPT



**Jaynes, Thelma C SWG**

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**From:** Terneny, Tiffany T SWG  
**Sent:** Thursday, February 05, 2004 3:10 PM  
**To:** 'dboyd@paiarch.com'  
**Cc:** 'Ed Baker'; David Sherrill (E-mail); Jaynes, Thelma C SWG  
**Subject:** Newland Communities, Permit # 23235

Doug,

In the historic research section of your investigations, we need to reference the development of a cemetery management plan within the scope of work. I expect you will find more information regarding the boundary of the cemetery, but it also may be necessary to address the question of where the cemetery boundary is located, and how it will be dealt with by suggesting mechanical investigations, metes and bound surveys, conservation easements, or just about any other tool we have.

I agree that the simplest way to deal with the cemetery over the long term might be to put a SAL designation on the cemetery and a (75-100') buffer zone as appropriate after the archival work is done. Hopefully you can suggest both short and long-term cemetery plans that are reasonable after the archival research and a site visit. And it appears when the scope is read closely that the same type of reasoned suggestions will be made for further historical/archeological and architectural concerns, but you may want to specify that a concluding section of the report will spell out future work or management recommendations for concurrence as necessary.

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SCOPE OF WORK  
FOR A HISTORIC PROPERTY SURVEY  
AT THE CENTRAL STATE PRISON FARM,  
FORT BEND COUNTY

Prewitt and Associates, Inc.  
February 6, 2004

The scope of work for an historic property survey focuses on conducting a literature review to develop appropriate historic contexts, performing a survey of historic properties, and analyzing the results in a report. The property to be surveyed is a 2018-acre tract of land that was formerly the Central State Prison Farm but is now owned by developer Newland Communities (Newland). Prewitt and Associates, Inc. (PAI) will conduct the survey for Berg Oliver Associates, Inc. (BOA), environmental science and engineering consultants.

Because the U.S. Army Corps of Engineers (COE) and Texas Historical Commission (THC) have agreed that the project area has little or no potential to contain prehistoric sites that might be eligible for listing on the National Register of Historic Places (NRHP), this survey will only investigate historic properties. ~~No work is proposed for the Old Imperial State Farm cemetery because Newland intends to protect it with a 100-ft-wide "no construction" buffer zone.~~ No historic archeological investigations are proposed at this time because the archeological research potential (i.e., National Register Criterion D) of any historic deposits must be evaluated relative to a historic context that will be developed during this phase of work.

The proposed work is described below in three phases.

#### HISTORIC RESEARCH

The historic properties study will require examination of existing available information to identify known historic properties within the study area. This phase will begin by reviewing and compiling all pertinent documents previously gathered for the Texas General Land Office by Bob Skiles. Chain-of-title documentation, in the form of a property abstract provided by the client, will be analyzed to understand ownership history. A literature review of primary and secondary sources available in Austin will provide general information to establish appropriate historical contexts for the study area. The literature review will utilize prison records at the Texas State Library and Archives, the local newspapers and secondary sources at the Center for American History at The University of Texas at Austin, and historic maps and archives at the General Land Office. Information will also be obtained from National Register of Historic Places, Historic Marker, and cemetery files at the Texas Historical Commission, and historic aerial photographs from both Tobin International, Ltd. (San Antonio) and the Texas Natural Resources Information System (Austin).

~~For the Old Imperial Farm Cemetery, reportedly created shortly after the establishment of the prison farm in 1908, historical research will concentrate on documenting the creation of the cemetery and its history/use through time, and defining the physical limits of the cemetery based on archival records.~~

BURIALS PRIOR TO 1908 - WHERE?  
WHERE DID CUNNINGHAM & ELLIS BURY WHO DID  
IN CAME FIELDS HELL HOLE OF BRAZOS - MANY



Results of the historic research will determine appropriate historic contexts that will later be used to support the evaluations of individual historic properties. Likely historic contexts include agriculture and prison labor systems. Historic research findings also will be used to formulate a brief management plan for the Old Imperial Farm Cemetery.

## HISTORIC PROPERTIES SURVEY

The historic properties survey will inventory and document all properties greater than 50 years old within the study area, including buildings and structures both extant and in ruins. A reconnaissance-level survey effort will photograph each property in the study area with at least two photographs using 35-mm color print film (3.5x5-inch matte finish prints), a table listing all properties and providing identification numbers (keyed to a map), locations (UTM coordinates), property types, stylistic influences, construction dates (known or estimated), integrity, and preliminary eligibility recommendations.

Intensive survey will be performed in the central prison building complex, including but not limited to the main prison building and nearby dairy barns. This will consist of completing a historic properties inventory form for each of these properties that details location, physical characteristics, character-defining features, modifications, integrity issues, associated outbuildings, landscape features, contextual relationships, and historic background. Additional photographs (3.5x5-inch matte finish color print film) will record all facades and provide detail images of aspects that may affect a property's integrity, such as alterations, missing ornamentation, synthetic siding, or other unsympathetic modifications. As well, photographs will illustrate the interrelationship of properties and significant landscape components. A site map will be developed that also records these interrelationships. Some comparative information for property-type analysis will be provided to finalize determinations of eligibility.

## DATA ANALYSIS AND REPORT

\* The historic research and survey data compiled in the first two phases will be reviewed and analyzed. The historic research will be compiled into a historical background used to support historic property evaluations. For each identified property, a recommendation will be made regarding its eligibility for listing in the NRHP. These recommendations will be included in the historic property inventory.

\* \* Upon completion of the survey, a letter report or technical report will be prepared. The report will include the methodology, results of the literature review, an overview of the results of the survey, and the comprehensive table with NRHP recommendations for each historic property inventoried, using each of the four National Register criteria. The report also will include general management recommendations for project development, a map showing all historic properties in the study area, and selected photographs. A brief management plan for the Old Imperial Farm Cemetery will be included. Finally, the concluding section will present recommendations for further cultural resources studies that might be needed, including archeological investigations for historic properties recommended as potentially eligible under National Register Criterion D.

\* \* \* \*



Jaynes, Thelma C SWG

From: Terneny, Tiffany T SWG  
Sent: Wednesday, June 30, 2004 2:23 PM  
To: Jaynes, Thelma C SWG  
Subject: Special Condition for Permit Application # 23235

Condition for permit application # 23235:

\* \*

The applicant submitted a report entitled "Hell-Hole on the Brazos: A Historic Resources Study of the Central State Farm, Fort Bend County, Texas" submitted by Prewitt and Associates of Austin on behalf of Newland Communities, April 2004. The staff archaeologist and THC agreed with the recommendations presented by Prewitt and Associates, that 5 buildings and one cemetery on the property deemed eligible for the National Register of Historic Places, require additional work. Prior to work in jurisdictional areas, the 5 buildings (Properties 53, 57, 72, 73, and 74) require HABS Level II recordation to be performed prior to the demolition of or any changes to the buildings. In addition, the cemetery requires a program of avoidance and protection to be drafted, which should include the placement of at least a 100 foot buffer from all sides of the existing fence line, and the landowner is required to deed the cemetery (and its 100 foot buffer from its existing fence line on all sides) to Fort Bend County.

Tiffany Terneny

↑  
WAS NOT DEEDED  
BEFORE BEFORE CORP  
ISSUED PERMIT  
CORP REQUIREMENTS NOT  
meet <sup>AS OF</sup> 6-19-06 R.M.



**From:** Jaynes, Kenny SWG  
**To:**  
**Date:** Thursday, August 3, 2006 8:16:44 AM  
**Cc:** Keys, Daniel; Minnichbach, Nicole C SWG; Murphy, Carolyn E SWG  
**Subject:** Newland Communities permit 23235

Mr. Moore;

I have received your telephone messages from the last couple days. I apologized that I have not returned your call but I was under the understanding that your issues had been addressed during your recent conversation with our counsel, Mr. Dan Keys.

The status of this investigation is the same as last time we talked. We continue to gather information and investigate any non-compliance issues associated with Department of the Army Permit 23235.

Based on conversations within the Corps regarding this matter, it appears as if you have been attempting to contact numerous folks here in the recent past regarding this matter. Many of us are field personnel and away from our desk for long periods of time. Therefore, it has been determined that it would be in everyone's best interest for you to have a single point of contact at the Corp regarding this matter, Mr. Dan Keys. Please reference all of your future questions and/or concerns regarding this matter to him.

Thanks  
Kenny Jaynes