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Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

MEMORANDUM OF AGREEMENT

WHEREAS, the Army Corps of Engineers (Corps) has determined that replacement and relocation of the locks at the Gallipolis Dam, Mason County, West Virginia, will have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places and has requested the comments of the Advisory Council on Historic Preservation pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic and Cultural Properties (36 CFR Part 800);" and

WHEREAS, the Corps has agreed to acquire and deed to the West Virginia Department of Natural Resources (DNR) an 884 Acre tract downstream from the Gallipolis Dam known as the Lesage/Greenbottom swamp as a wildlife mitigation site;

NOW, THEREFORE, the Corps, the West Virginia State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

The Corps will ensure that the following measures are carried out:

I. Gallipolis Canal and Disposal Area:

A. Archeological Data Recovery

1. Prior to the initiation of any construction or other land-disturbing activities, archeological sites 46MS99, 46MS103 and 46MS113 will be tested to determine their eligibility for inclusion in the National Register of Historic Places. If these sites are determined eligible by the Corps, they will be incorporated into the data recovery plan discussed in Stipulation A.2. below.

2. A detailed data recovery plan that addresses substantive local, regional, and inter-regional research problems will be developed for archeological sites 46MS14, 46MS110, 46MS112, and 46MS121 (and sites 46MS99, 46MS103, and 46MS113 if found to be significant in accordance with Stipulation A.1. above). The plan will be based on both the previous surveys and testing results from the area, and will be prepared with reference to the standards contained in the Council's Handbook, Treatment of Archeological Properties (Attachment 1), and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Attachment 2). The plan shall include provisions for radiocarbon dating and other specialized analyses of samples from other related archeological sites in the Huntington District.

3. The data recovery plan will be submitted to the West Virginia SHPO and the Council for review prior to implementation. If neither party objects within 15 working days after receipt of the plan, the plan will be implemented. If either party objects to the plan, the Corps will consult with the Council and the West Virginia SHPO to resolve the objections.

4. The size and extent of the archeological excavations will be of sufficient intensity to address the research questions posed in the data recovery plan.

B. Site Avoidance

1. Archeological site 46MS114, which lies adjacent to the disposal area, will be clearly identified as off limits and every effort will be made to avoid disturbance to the site.

II. The Lesage/Greenbottom Mitigation Site

1. After acquisition by the Corps but prior to transfer to the West Virginia DNR, the Lesage/Greenbottom Mitigation Area will be subject to an archeological and historic resource survey by the Corps. In consultation with the West Virginia SHPO, archeological and historical sites located by the survey (including known archeological sites 46CB15, 46BC40, and 46BC41) will be evaluated to determine their eligibility for the National Register. Sites considered to be eligible for the National Register will be formally nominated to the Register by the Corps. The archeological survey will be conducted in accordance with the standards and guidelines contained in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Attachment 2).

2. In consultation with the West Virginia SHPO, the Council for West Virginia Archeology, and the West Virginia DNR, the Corps will develop an Historic Preservation Management Plan for the

historic and archeological resources of the Mitigation Area. This plan will be based on the archeological and historic resource survey conducted in accordance with stipulation II.1 above, and will correlate this information with anticipated use(s) of the area by the West Virginia DNR. The plan will also include priority lists of significant resources that should be left in place, resources that should be subject to data recovery or other form of mitigative measures prior to any action that would have an effect on the site(s), and provisions for public interpretation of the prehistory and history of the area.

3. The Historic Preservation Management Plan described above in stipulation II.2 will be submitted to the West Virginia SHPO and the Council for review and comment prior to implementation. If neither party objects within 15 days after receipt of the Management Plan, the Plan will be implemented. If either party objects to the plan, the Corps will consult with the objecting party to resolve the objection.

4. In consultation with the West Virginia SHPO and DNR, the Corps will rehabilitate the General Albert Gallatin Jenkins House in accordance with "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for the Rehabilitation of Historic Buildings" (Standards) (Attachment 3), prior to its use by the West Virginia DNR as the Lesage/Greenbottom operations office. The Corps will also place in the land transfer deed a covenant ensuring the preservation of the structure and requiring that all further rehabilitation will be carried out in accordance with the Standards.

III. Additional Stipulations

1 All archeological work will be conducted under the direct supervision of an archeologist(s) who meets, at a minimum, the appropriate qualifications set forth in 36 CFR Part 66, Appendix C (Attachment 4).

2. Copies of the final report will be supplied to the West Virginia SHPO, the Ohio SHPO, the Council, and the National Park Service for possible submission to the National Technical Information Service (NTIS).

3. If any of the signatories to this Agreement determines that the terms of the Agreement cannot be met, or believes a change is necessary, that signatory shall immediately request the consulting parties to consider an amendment or addendum to the Agreement. Such an amendment or addendum shall be executed in the same manner as the original Agreement.

Execution of this Memorandum of Agreement evidences that the Corps has afforded the Council a reasonable opportunity to comment on this undertaking and that the Corps has taken into account the effects of its undertaking on historic properties.

[Signature] (date) 22 DEC 8
Advisory Council on Historic
Preservation

[Signature] 18 05 1986
(date)
Army Corps of Engineers

[Signature] (date) 11/6/86
West Virginia State Historic
Preservation Officer