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APPENDIX T

MEMORANDUM OF AGREEMENT ON CULTURAL RESOURCES RELATED TO
THE PROPOSED GAS PIPELINE LOOPS IN EAST CENTRAL
OKLAHOMA AND WEST CENTRAL ARKANSAS

MEMORANDUM OF AGREEMENT

Whereas the Arkansas State Archeologist, the Arkansas State Historic Preservation Program, the Oklahoma State Archeologist, the Oklahoma State Historic Preservation Program, and Arkansas Louisiana Gas Company, a division of Arkla, Inc. (hereafter known as Arkla), have determined that the upgrading and construction of the below described gas pipeline loop in east central Oklahoma and west central Arkansas has the potential to have an effect on properties included in or eligible for inclusion in the National Register of Historic Places.

Now Therefore the Arkansas State Archeologist, the Arkansas State Historic Preservation Program, the Oklahoma State Archeologist, the Oklahoma State Historic Preservation Program, and Arkla 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 cultural properties.

PROJECT DESCRIPTION

Arkla is planning to upgrade and expand the capacity of their existing gas pipeline in east central Oklahoma and west central Arkansas. The pipeline loop will connect to existing Arkla facilities near Poteau, Oklahoma and segments traverse eastward about 48 miles to Driggs, Arkansas. The pipeline loop will then traverse to the southeast for about 40 miles toward Perla, Arkansas. From Perla, Arkansas (near Malvern, Arkansas) the pipeline loop will traverse about 40 miles to the southwest where it will join with a new proposed Arkla pipeline at

Beirne, Arkansas. One other portion of this project is a 10 mile loop between Beirne and Taylor, Arkansas. In addition, a compressor station will be built near Ada, Oklahoma and the capacity of existing compressors at the Ada gas storage field, Dunn, Arkansas, and Chambers, Arkansas will be increased. The new Ada station will be built at the site of an Arkla metering station, and the other compressors will be added to existing facilities.

Arkla is planning to file an application for the proposed project with the Federal Energy Regulatory Commission (FERC). One portion of the application must be an environmental report prepared in the format and style of an environmental impact statement.

The general location of the proposed route is shown in Appendix A of this report.

STIPULATIONS

The following stipulations may be grouped into three major stages. The first stage, "location", is designed to answer the question: are there any properties which may be impacted by the undertaking? The second step, "evaluation", is to determine if the properties located are eligible for inclusion in the National Register of Historic Places. The third step is "mitigation". If eligible or listed properties are found to be impacted, then steps are to be taken to mitigate the adverse effect of the impact. Given the relatively small size and flexible nature of the specific pipeline route, and the stated willingness of Arkla to relocate the route to avoid cultural properties wherever feasible, it may not be necessary to perform the second and/or third

steps of these stipulations. However, it may be unfeasible or imprudent for various reasons for Arkla to relocate the line. This presents at least the potential that steps two and three may be needed. These stipulations have been structured in accordance with applicable federal regulations (36CFR60, 36CFR61, 36CFR63, 36CFR66 (draft), and 36CFR800), State Guidelines and Standards, (i.e., Arkansas State Plan), and applicable DOI and Advisory Council on Historic Preservation information (i.e., How to Apply the National Register Criteria, Treatment of Archeological Properties, Manual of Mitigation Measures). Personnel utilized in the project shall meet applicable standards for such projects as presented in 36CFR66 (Draft).

Stage I Location

I. Records Review

- a. A review of records and literature to identify known properties on or near the project limits shall be performed by Archeological Assessments, Inc. This review will include site files of the Arkansas State Archeologist, Oklahoma State Archeologist, the Arkansas State Historic Preservation Program and the Oklahoma State Historic Preservation Program. Available Government Land Office maps will also be examined. The National Register listings for each county shall be reviewed. All known properties will be recorded on aerial mosaics before field survey begins.

II. Field Survey

- a. An on-the-ground archeological and historic properties survey will be conducted for the entire corridor by the Archeological Assessments, Inc. All field methods and approaches utilized throughout the corridor will meet the appropriate standards/guidelines for such fieldwork for both the Oklahoma and Arkansas State Archeologists/State Historic Preservation Programs. As mandated by these guidelines, shovel testing will be utilized in all areas where the surface is obscured by vegetation. (A copy of the Arkansas Standards is included as Attachment A.)
- b. Prior to the initiation of the survey, Arkla will have completed a civil survey of the proposed route which will be staked. Arkla will also insure that permission for access to all public and private property has been obtained for the cultural resource survey.
- c. For all cultural properties located, complete site documentation will be prepared including state site forms, photo recording, and location of properties on USGS quadrangle maps.
- d. The limits of each located cultural property shall be determined by the Archeological Assessments, Inc. If the

property will be impacted by the mapped corridor, the archeological survey will extend beyond the corridor to determine if a nearby relocation route may be available which will not impact the identified cultural property. Consideration of areas outside the current mapped corridor will be limited to a maximum of 200 ft from the centerline.

- e. The cultural resources survey is projected to require a crew of 4 for 25 working days.

III. Status Reports

- a. Archeological Assessments, Inc. will submit biweekly reports to Canter Associates, Inc. of Norman, Oklahoma. These reports will include:

1. portions of the corridor for which the cultural resource survey is complete to date
2. properties located
3. provisional assessment of located properties. These assessments will be either (i) site does not require further study to evaluate its National Register status and it is not eligible, (ii) site may require further testing, current indications suggest it may be eligible

for the National Register, or (iii) laboratory study is needed before property can be even provisionally assessed.

It should be emphasized that these assessments (as well as all recommendations and determinations) made by Archeological Assessments, Inc. are the best professional opinions of that organization. However, all evaluations, recommendations, and other professional opinions are subject to review and (potentially) revision by the appropriate State Archeologist/State Historic Preservation Program. Prior to this review these opinions must be considered subject to change.

IV. Laboratory

- a. Appropriate analysis of recovered materials will be conducted during and following the field survey. Levels of data analysis necessary to meet the appropriate State Archeologists' guidelines for reports will be conducted. All items will be catalogued according to the Arkansas State Archeologist's Standards for Curation shown in Attachment B. Minimal curation charges are shown in Attachment C. Such studies will include object/item identification classification (e.g., Nodena projectile point, Wallace Incised sherd, Ball jar lid, pearlware sherd, etc.). All items recovered will be identified and discussed in the final report.

V. Management Summary

- a. A management summary will be prepared by Archeological Assessments, Inc. within 30 working days of the completion of fieldwork. This report will briefly summarize the project, indicate locations where no properties were located, and present an assessment of each property located relative to its eligibility to the National Register of Historic Places. Documentation supporting these assessments will not be available until the submission of the draft report (see below). The management summary assessment will group all properties into two groups: (1) those in the opinion of Archeological Assessments, Inc. that are not potentially eligible for the National Register, and no further evaluation is needed; and (2) those potentially eligible for the National Register for which evaluation efforts to formally determine their eligibility status are needed. It again is emphasized that these assessments should not be considered final until the draft report is reviewed by the appropriate State Archeologist/State Historic Preservation Program.
- b. The management summary will be forwarded to Canter Associates, Inc. who will make the summary available to Arkla.
- c. Within 20 working days of the submission of the management summary, Arkla pipeline will inform Canter Associates, Inc.

and Archeological Assessments, Inc. if it chooses to relocate the corridor rather than impact a site.

- d. Arkla's response will be made part of the draft report. If Arkla avoids a potentially eligible site through relocation of the corridor into an area already determined to be free of cultural properties then Archeological Assessments, Inc. will recommend that no further work is needed at that potentially eligible property, since it will not be impacted by the undertaking. If relocation is not selected for a given property then Archeological Assessments, Inc. will recommend evaluation of the property.

VI. Curation

- a. Upon completion of the laboratory studies all materials will be prepared for curation in accordance with the guidelines of the appropriate State Archeologist/State Historic Preservation Program.

VII. Draft Report Submission

- a. Within 30 working days of submission of the management summary, and following receipt of Arkla's response and relocation plans Archeological Assessments, Inc. will submit a

final report on the survey and assessment to Canter Associates, Inc. This report will meet appropriate guidelines of the appropriate State Archeologist/State Historic Preservation Program. Appropriate standards for fieldwork and reports are in Attachment D.

VIII. Report Review

- a. Within 20 working days of receipt of the report, Canter Associates, Inc. will submit the report to the Arkansas and Oklahoma State Archeologists/State Historic Preservation Program for their review and comment.
- b. State Archeologist/State Historic Preservation Program reviews will be completed within 20 working days and will be forwarded to Canter Associates, Inc. and Archeological Assessments, Inc. Archeological Assessments, Inc. will then address these comments (if needed) and submit a final report to Canter Associates, Inc. within 20 working days of receipt.

IX. State Archeologist/State Historic Preservation Program Recommendations

- a. The appropriate State Archeologist/State Historic Preservation Program will review Archeological Assessments, Inc.'s recommendations for each property. This review will determine

if there is concurrence with the determination that the property is or is not potentially eligible and does or does not require further evaluation of its National Register status.

- b. If Archeological Assessments, Inc. and the appropriate State Archeologist/State Historic Preservation Program do not agree on a given recommendation after consultation to work out the differences, the appropriate State Archeologist's/State Historic Preservation Program's decision shall be binding.

X. Stage I Complete

- a. If all eligible, potentially eligible, or listed National Register properties are avoided then no further cultural resources studies are needed. If eligible, potentially eligible, or listed properties cannot be avoided then the following Stage II stipulations will apply.
- b. Following the State Archeologist/State Historic Preservation Program review and determination, construction can begin in those areas where no cultural resources were located and in those areas where the located properties were not eligible for the National Register of Historic Places.

Stage II Evaluation

I. Determination of National Register Status

- a. Evaluation will be conducted in accordance with the applicable State Archeologist/State Historic Preservation Program guidelines for such work and structured in accordance with the requirements of 36CFR60 and 36CFR63. The evaluation efforts will be designed to efficiently obtain sufficient data to permit evaluation of the property according to National Register guidelines. Evaluation of standing structures shall be primarily based on the NPS How to Apply the National Register Criteria for Evaluation (Draft 1982) within the context of (1) broad patterns of history, (2) association with lives of significant persons, or (3) embodiment of distinctive characteristics as detailed in 36CFR63. Archeological properties will be primarily evaluated according to National Register Criteria d. and within the context of State Plan Study Units or (in their absence) regionally relevant research topics in prehistory and history.
- b. All fieldwork standards and personnel will meet appropriate State Plan Guidelines/Standards and the requirements of 36CFR63 and 36CFR66 (draft).

II. Recommendations

- a. Based on the criteria previously discussed, each property will be evaluated for its National Register eligibility. All properties shall be recommended by Archeological Assessments, Inc. as either eligible for the National Register or not eligible. A draft report documenting these determinations will be prepared and submitted to Canter Associates, Inc. For those sites that Archeological Assessments, Inc. believes to be eligible, they shall recommend either (1) that the evaluation procedures conducted to date are sufficient to mitigate the impact of the pipeline, (2) mitigation through appropriate efforts such as relocation, documentation, or excavation, and present a mitigation plan with a cost budget estimate, or (3) recommend preservation in place.
- b. All considerations of preservation or mitigation options shall be conducted within the context of the Advisory Council on Historic Preservation's "Treatment of Archeological Properties, Manual of Mitigation Measures, 36CFR66 (Draft)", and appropriate sections (e.g., Operating Plans) of the applicable State Plans.
- c. These recommendations shall be performed in two phases. The first phase shall involve a meeting with Arkla representatives, Canter Associates, Inc. and Archeological

Assessments, Inc. in order to discuss recommendations for each site. A provisional mitigation cost estimate will be presented by Archeological Assessments, Inc. At this point Arkla may reassess the feasibility or prudence of corridor relocation. If relocation is chosen then no further work is necessary. If relocation is not chosen by Arkla, then Archeological Assessments, Inc. shall prepare a formal draft report documenting the results of the evaluation phase and present the recommendation as detailed in Section IIa.

III. Submission of Draft Report

- a. The draft report shall be submitted to Canter Associates, Inc. by Archeological Assessments, Inc. Canter Associates, Inc. will in turn submit the draft to the appropriate State Archeologist/State Historic Preservation Program for review. The State Archeologist/State Historic Preservation Program shall inform Canter Associates, Inc. and Archeological Assessments, Inc. of any comments which will then be addressed by Archeological Assessments, Inc. in its final report. Should the State Archeologist/State Historic Preservation Program disagree with Archeological Assessments, Inc.'s evaluation and recommendations after consultation to work out the differences, the finding of the State Archeologist/State Historic Preservation Program shall be binding.

Stage III Mitigation

I. Selection of Mitigation Alternatives

- a. If a property is determined to be eligible for the National Register of Historic Places and it has been determined that evaluation efforts were sufficient to mitigate the impact, then no further cultural resources work is needed. If this is not the case then either preservation in place or mitigation through various appropriate measures is appropriate.
- b. Should preservation in place be recommended and the appropriate State Archeologist/State Historic Preservation Program concur, then Arkla will consider the feasibility of relocating the pipeline so as to avoid the impact to the property, or will consult with the appropriate State Archeologist/State Historic Preservation Program to arrive upon a mutually agreed upon resolution.
- c. If an approach such as Historic American Building Survey/Historic American Engineering Record (HABS/HAER) recordation or relocation of the property, or data recovery is the selected alternative, Arkla agrees to consider and discuss such efforts with the appropriate State Archeologist/State Historic Preservation Program to arrive upon a mutually agreed upon mitigation plan. As noted above this plan will meet all

applicable standards and guidelines of the appropriate State Archeologist/State Historic Preservation Program, 36CFR66 and the Manual of Mitigation Measures.

- d. Upon completion of the fieldwork, a field consultation will be arranged including representatives from Arkla, Canter Associates, Inc., Archeological Assessments, Inc., and the appropriate State Archeologist/State Historic Preservation Program to determine if the fieldwork portion of the mitigation is completed. If all parties agree Arkla may immediately commence construction at the property.
- e. A draft report documenting the scientific results of the mitigating efforts will be prepared by Archeological Assessments, Inc. and submitted to Canter Associates, Inc. Canter Associates, Inc. will submit the report to Arkla and to the appropriate State Archeologist/State Historic Preservation Program. Reviews by the State Archeologists/State Historic Preservation Programs will be forwarded to Canter Associates, Inc., and Archeological Assessments, Inc. Archeological Assessments, Inc. will address all comments in its final report.

DISCOVERY OF PROPERTIES DURING CONSTRUCTION

The performance of the above described archeological and historic properties survey is designed to locate all cultural resources on the

surface or within 30 cm of the surface. Under unusual circumstances undiscovered properties may be exposed during construction. In the event properties such as pieces of broken pots, etc. are discovered during construction Arkla agrees to notify the appropriate State Archeologist/State Historic Preservation Program, and to conduct no construction which will further damage the discovered properties during the succeeding 24-hour period. The State Archeologists/State Historic Preservation Programs agree to have a representative of their office visit the location within 24 hours of notification to obtain information on an appropriate course of action. A determination will be made by the appropriate State Archeologist/State Historic Preservation Program within 24 hours of this visit. Arkla will discuss conformance with the State Archeologist/State Historic Preservation Program's determination in order to arrive upon a mutually agreed upon resolution. In the event that the State Archeologist/State Historic Preservation Program does not respond within this time limit, Arkla may continue construction. The State Archeologist/State Historic Preservation Program agree to weigh the ongoing cost of construction delays against the alternative courses of action they may recommend.

SIGNED

W. H. Brooks
Oklahoma State Archeologist

5 June 1984
Date

W. H. Brooks
Arkansas State Archeologist

1 June 84
Date

C. M. Metcalfe
Oklahoma Historic Preservation
Program

6-13-84
Date

Wilson Stiles, SHPO
Arkansas Historic Preservation
Program

6-4-84
Date

W. H. Jones
Arkansas Louisiana Gas Company,
a division of Arkla, Inc.
VICE-PRESIDENT

Jun 6, 1984
Date