



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

August 12, 2004

Christine Davis
Christine Davis Consultants
560 Penn Street
Verona, PA 15147

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: **ER# 1998-2131-042-G**
COE: MOA, Archaeological Data Recovery, Bailey Disposal Facility,
Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 36GR272,
and Alternative Mitigation Plan for Bailey #6 (36GR273), Gray and
Richhill Townships, Greene County, PA

Dear Ms. Davis:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

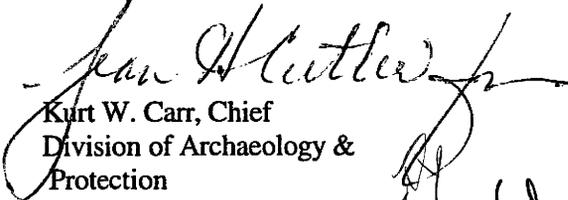
We are unable to begin our review of this report until we receive a revised report that addresses these archaeological resources in the following manner:

1. Photographs of diagnostic points recovered from all sites.
2. Photographs of all features.
3. Site maps, planviews, and photographs.
4. Feature locations within site planviews.
5. Complete artifact inventory for all sites investigated.
6. Completed P.A.S.S. forms for all sites identified.
7. Gift Agreements.

Please send us a revised report as soon as possible so that we can complete our review of this project.

If you need further information in this matter please consult Chan Funk at (717) 772-0924 or pfunk@state.pa.us.

Sincerely,


Kurt W. Carr, Chief
Division of Archaeology &
Protection

cc: Scott Hans, COE, Regulatory Chief, Pittsburgh District

Christine
Need
8/16/04
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Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

*File
Greene County*

June 3, 2004

Albert H. Rogalla
Chief, Regulatory Branch
Department of the Army
Pittsburgh District, Corps of Engineers
William S. Moorehead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: **ER# 2002-1693-059-J**
COE: Memorandum of Agreement (MOA) for Archaeological Resources, Bailey #1 (36GR268), Bailey #2 (36GR269), Bailey #5 (36GR272), and Bailey #6 (36GR273), New Bailey Mine Disposal Facility, Gray and Richhill Townships, Greene County, PA

Dear Chief Rogalla:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named MOA in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

The Bureau for Historic Preservation has executed the enclosed MOA for the project referenced above. We will file the original copy in our Environmental Review files and have enclosed two copies of the original document for yourself and the Consol Pennsylvania Coal Company representative, Jonathan M. Pachter.

Our office will initiate scheduled consultations every three months, beginning September 3, 2004 on the status of the work to date towards the completion of the Stipulations in this MOA.

If you need further information in this matter please consult Chan Funk at (717) 772-0924 or pfunk@state.pa.us.

Sincerely,

Jean Cutler
Jean Cutler, Director

JC/PSF

**MEMORANDUM OF AGREEMENT FOR
RECOVERY OF SIGNIFICANT INFORMATION**

FROM ARCHEOLOGICAL SITES: Bailey #1 (36GR268), Bailey #2 (36GR269),
Bailey #5 (36GR272), and Bailey #6 (36GR273)

UNDERTAKING: New Bailey Mine Disposal Facility, Gray and Richhill Townships

STATE: Pennsylvania

AGENCY: U.S. Army Corps of Engineers (COE)

Whereas, in accordance with 36 CFR Part 800, the COE acknowledges and accepts the advice and conditions outlined in Advisory Council of Historic Preservation's (ACHP) "Recommended Approach for Consultation on the Recovery of Significant Information from Archeological Sites," published in the Federal Register; and

Whereas, the consulting parties agree that recovery of significant information from the archeological sites listed above may be done in accordance with the published guidance; and

Whereas, the consulting parties agree that it is in the public interest to expand funds to implement this project through the recovery of significant information from archeological sites to mitigate the adverse effects of the project; and

Whereas, the consulting parties agree that Indian Tribes or Native Hawaiian organizations that may attach religious or cultural importance to the affected properties have been consulted and have raised no objection to the work proposed; and

Whereas, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001), are expected to be encountered in the archeological work;

Now, therefore, the COE shall ensure that the following terms and conditions, including the appended Archeological Data Recovery Plan, will be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470).

lead
4/14/04
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STIPULATIONS

Consol Pennsylvania Coal Company (Consol) shall ensure that the measures presented in Stipulations I-X are carried out:

I. DOCUMENTATION

Mitigation of the adverse effects to sites Bailey #1 (36GR268), Bailey #2 (36GR269), Bailey #5 (36GR272), and Bailey #6 (36GR273) shall be detailed in an Archaeological Data Recovery Plan (ADRP) approved by the Corps and the SHPO. The MOA with attached ADRP shall become a condition of the Corps permit.

II. TREATMENT

Consol shall ensure that all provisions of the ADRP are fully implemented. If the ADRP cannot be fully implemented, or changes are necessary to address unanticipated discoveries, the ADRP shall be revised and approved by all parties as stated in Stipulation V.

III. REPORTS

Consol shall ensure that all reports resulting from actions pursuant to this MOA are submitted in draft to the Corps and the SHPO for review and comment. The Corps, the SHPO will have one 30-day period following receipt of the draft report to submit any final comments to Consol. Consol will modify the draft report in accordance with any final comments received, and will provide the copies of the final report upon completion to SHPO, with original negatives and photographic prints. Failure of Corps or the SHPO to comment within the review time frame specified herein (thirty [30] days) will be deemed by Consol to constitute acceptance of the draft report and shall not preclude Consol from issuing the report in final form. If Consol objects to revising the draft report in accordance with Corps or the SHPO comments, Consol will proceed in accordance with Stipulation IX, below, pertaining to the dispute resolution.

IV. REPOSITORY

Consol will ensure that copies of the final report, photographs, and drawings, and artifacts will be submitted to a state approved curation facility identified by the SHPO.

V. CHANGES TO AGREEMENT

The signatories shall accomplish modification, amendment, or termination of the agreement as necessary in the same manner as the original agreement.

VI. DURATION

This agreement will be null and void if its terms are not carried out within five years from the date of its execution. Prior to such time, the Corps may consult with the other signatories to reconsider the terms of the agreement. Unless terminated pursuant to Stipulation IX, below, this MOA will be in effect through Consol's implementation of the stipulations of this MOA and will terminate and have no further force or effect when the Corps, in consultation with Consol and the SHPO determines that the terms of this MOA have been fulfilled in a satisfactory manner. Consol will provide the Corps and the SHPO with written notice of its determination and of termination of this MOA.

VII. MONITORING AND REPORTING

Each year following the execution of this agreement until it expires or is terminated, the Corps shall provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Corps' efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered noncompliance with the terms of this MOA pursuant to Stipulation X, below.

VIII. DISPUTE RESOLUTION

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Corps shall consult with the objecting party(ies) to resolve the objection. If the Corps determines, within 30 days, that such objection(s) cannot be resolved, the Corps will:

A. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise the Corps on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by the Corps in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the Corps may render a decision regarding the dispute. In reaching its decision, the Corps will take into account all comments regarding the dispute from the parties to the MOA.

C. The Corps' responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. The Corps will notify all parties of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. The Corps' decision will be final.

IX. AMENDMENTS AND NONCOMPLIANCE

If any signatory to this MOA, including any invited signatory, determines that in terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation XI, below.

X. TERMINATION

If either Consol, the Corps or the SHPO believes that the terms of this MOA cannot be carried out, that party shall immediately consult with the other to reconsider that terms of the MOA and to develop amendments in accordance with 36CFR 800.6(c)(7) and 36 CFR 800.6(c)(8). If this MOA is not amended as provided for in this stipulation, either Consol, the Corps, or the SHPO may terminate it, whereupon Consol will proceed in accordance with 36 CFR 800(c)(8).

EXECUTION of the Memorandum of Agreement by Consol, the Corps, and the SHPO, and its transmittal to the Council, and subsequent implementation of its terms, evidence that Consol has afforded the Council an opportunity to comment on the Undertaking and its effects on historic properties, that Consol has taken into account the effects on historic properties and that Consol has satisfied its responsibilities under Section 106 of the National Historic Preservation Act of 1966 (as amended) and applicable implementing regulation.

U.S. Army Corps of Engineers:

Date:

4-19-04

State Historic Preservation Officer:

Date:

6-2-04

Consol Pennsylvania Coal Company:

Date:

4/21/04

Archaeological Data Recovery Plan for Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272)

Alternative Mitigation Plan for Bailey #6 (36GR273)

**Prepared by
Christine Davis Consultants, Inc.
February, 2004**

INTRODUCTION

This research design was prepared in consultation with the Pennsylvania SHPO and is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and the *Advisory Council on Historic Preservation's Treatment of Archeological Properties: A Handbook*. The document includes the following information:

- A. The results of previous research relevant to the project;
- B. Research problems or questions to be addressed with an explanation of their relevance and importance
- C. Field and laboratory analysis methods to be used with a justification of their cost-effectiveness and how they apply to this particular property and these research needs;
- D. Methods to be used in artifact, data, and other records management;
- E. Explicit provisions for disseminating the research findings to professional peers in a timely manner
- F. Arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results;
- G. Curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR Part 79

SUMMARY OF PHASE I AND II ARCHAEOLOGICAL SURVEYS

A Phase II Archaeological Survey was conducted for the proposed expansion of the Bailey Disposal Facility in Gray and Richhill Townships, Greene County, Pennsylvania. The proposed construction will consist of the expansion of the existing Bailey Facility located northeast of the project area. The APE is located near the northwestern boundary of Greene County on a large tract of land characterized by various upland and floodplain topographical settings associated with tributary streams of the Enlow Fork of Wheeling Creek. The general area is a series of benches and terraces along tributary streams, and steep slopes leading up to narrow peninsular uplands and ridgetops.

The area of potential effect (APE) is topographically situated within the Kanawha section of the Unglaciated Appalachian Plateau physiographic province. The Kanawha section consists of rounded hills and ridges, but south of the city of Washington the ridges become sharp and uneven in elevation. The proposed development area for this project consists of approximately 2,259,513 square meters (m) (24,321,998 square feet (ft) or 558 acres). Soils in the APE are mapped as Culleoka silt loam (CaB), Dormont silt loam (DoB and DoC), Dormont-Culleoka silt loams (DtD, DtF), Fluvaquents (Fa), and Weikert-Culleoka complex (WeD). The major soil type in the APE is Dormont-Culleoka silt loams (DtD, DtF). The APE is situated within the Ohio River drainage system and is well watered and drained by unnamed tributary streams of the Enlow Fork of Wheeling Creek.

During the Phase I Archaeological Survey, seven previously undocumented archaeological sites were identified and recorded as **Bailey# 1 (36GR268)**, **Bailey #2(36GR269)**, **Bailey #3 (36GR270)**, **Bailey #4 (36GR271)**, **Bailey #5 (36GR272)**, **Bailey #6(36GR273)**, and **Bailey #7 (36GR274)**. These sites were discovered utilizing shovel test probes (STPs) excavated at 15 m intervals.

In July 2003, a Phase I Archaeological Survey/Phase II Workplan report was submitted to the Pennsylvania Historical and Museum Commission/Bureau for Historic Preservation (PHMC/BHP) for review. A Phase II Archaeological Survey was recommended for the seven archaeological sites identified within the project area, including six prehistoric sites and one historic site (36GR274). The purpose of the Phase II was to determine whether these sites retain archaeological integrity and are eligible for the National Register under Criterion D for their potential to yield important new information to the study of prehistoric cultures. The Phase II Survey began in August of 2003 with the excavation of shovel test probes (STPs) conducted at five m intervals at each of the sites in order to define the site boundaries. Once the site boundary of each site was defined through close-interval STPs, a grid was established on each of the six prehistoric sites using a Nikon DTM-330 Total Station. Ten by ten m blocks were laid out on each site, and random one-by-one m units were selected within each ten-by-ten m block. Excavated one-by-one units were chosen through a computer generated random number selection of the 100 units within each ten-by-ten m block. Based on these results, the plowzone of two of the sites, Bailey #1 (36GR268) and Bailey #6 (36GR273) was mechanically stripped. Three features were identified on Bailey #1 while no features were found on Bailey #6.

In a letter from the PHMC dated November 7, 2003, Bailey #1 (36GR268), Bailey #2 (36GR269), Bailey #5 (36GR272), and Bailey #6 (36GR273) were recommended as eligible for the National Register of Historic Places (NRHP) under Criterion D. Bailey #3 (36GR270), Bailey #4 (36GR271), and Bailey #7 (36GR274) were recommended as not eligible for the NRHP. The PHMC stated that data recovery was necessary for Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272). An alternative mitigation plan was recommended for Bailey #6.

ARCHAEOLOGICAL DOCUMENTATION PLAN

Base-line Data Collection

Information regarding other sites in the Monongahela 19(B) and Ohio 20(E) watersheds will be obtained through the PHMC/BHP Geographical Information System (GIS) database, from the Pennsylvania Archaeological Site Survey records, and from other archaeological work completed in the area. Based on the previous background research, professional archaeological research in the Enlow Fork has been very limited. Thus, information from other sites with similar chronological and functional attributes in southwestern Pennsylvania will be compiled to compare and contrast the Enlow Fork sites.

This data will be used to understand settlement pattern attributes for this chronological period and to identify specific artifact and feature information from other regional sites. Expected site characteristics will be presumed based on the supplemental background research. Artifacts found in similar topographic settings will be used to compare and contrast materials recovered during the Phase III Data Recovery. All information that could be relevant to interpreting the Bailey Mine sites will be obtained from the database.

Research Problems, Gaps and Questions

Settlement Pattern

One of the important gaps in the archaeological record for Enlow Fork is an understanding of the regional settlement pattern. The Bailey Disposal Facility sites represent a series of camps for tool maintenance and rejuvenation with some biface reduction and tool production. The camps do not have the attributes of hunting camps because the percentages of projectile points and other tool forms are extremely low. The Bailey Disposal Facility sites contained very high percentages of lithic debitage but few core fragments and primary flakes suggesting that a quarry site was nearby, but not on-site, and that some tool and biface production took place here. In addition, there are very low percentages of tools of any kind. Further, the functions of the sites may have shifted through time based on the presence of two storage pits and one large FCR feature in Bailey #1.

The working hypothesis that the Bailey Disposal Facility prehistoric sites represent the following:

- Specialized camps for lithic tool production, maintenance and rejuvenation to prepare for hunting trips in the Enlow Fork watershed. These sites contain high percentages of tertiary flakes, low proportions of finished tools, and low percentages of fire-cracked rock indicating short-term use.
- Specialized winter camps within the catchment areas of larger Late Archaic base camps and Woodland villages. Late stage lithic reduction is evident by high percentages of tertiary flakes and low percentages of other lithic types.

These camps may be related with the trapping of beaver and mink. One or more subsurface smoking pits with dense, tabular sandstone FCR and minimal associated floral or faunal remains are predicted along with very high percentages of FCR in surrounding units.

Other research questions include:

1. Why are large FCR features in upland settings characteristically not associated with acorns, hickory nuts, calcined bone, seeds, and other remnants of the prehistoric cuisine?
2. Why build a pit with 30 to 132 pounds of rock just to cook dinner anyway?
3. What are the correlations between these FCR features that resemble stone features found in Early and Middle Woodland mounds?
4. What was it about these tabular sandstones that made it worth the trouble of procuring them?
5. Only one or two of these features occur on each site. Why not more?

Subsistence and Seasonality

The seasonality and subsistence pattern is poorly understood although an increase in subsistence diversity has been suggested for the Late Archaic period. Despite the hundreds of recorded sites, this information is difficult to assess because of the scarcity of finding intact archaeological features with microfloral remains and associated for this period suggests that both hunting and gathering were part of the subsistence pattern.

Political Organization/Site Function

Political organization in the through the Late Archaic through the Late Woodland periods, particularly during periods of disruption, change and development, is poorly understood. What were the factors for site selection? Is there any evidence for occupants' gender?

Field Methodology

Although magnetometer (MAG) surveys have been conducted on archaeological sites for many years, the technology has greatly improved. A Proton Precision Magnetometer will be used to conduct testing on the remaining unstripped section of the Bailey #1 Site (approximately 60 percent of the site surface) and on the Bailey #2 and Bailey #5 Sites. A 100% sample will be examined in the latter two sites.

The MAG survey will be conducted at 0.5 m intervals across each resource. Any ground anomalies identified during the magnetometer surveys will be analyzed and evaluated in consultation with the geophysicist. Prioritizing and accurately locating the features is critical and a plan for "ground truthing" the anomalies identified during the MAG survey will be prepared.

During ground-truthing, all units will be hand-excavated in 10 centimeters (cm) levels within any natural strata that may be found beneath the plowzone. Trowels will be used to scrape down the surface of any buried cultural horizon in order to define any cultural features that may be present. The cultural horizon itself will be carefully excavated in 10 cm levels and its characteristics documented. Excavations will continue 10 cm below the cultural horizon. All excavated soils will be screened through quarter inch hardware mesh.

All cultural features will be mapped using a Nikon DTM-330 Total Station, then fully exposed, drawn in plan view and photographed. Features will be sectioned and profile drawings recorded. If features are stratified, samples from each stratum will be recovered and analyzed individually. If present, charcoal samples for radiocarbon dating will be collected.

Constant volume samples will be retained for flotation analysis and, if any micro-floral remains are found, the results will be submitted to an ethnobotanist. The results of the ethnobotanical study will be compared and contrasted with analyses from other regional sites.

Alternative Mitigation Plan for Bailey #6 (36GR273)

Update, analyze, and integrate the 1978 Report titled *Survey and Evaluation of Cultural Resources on the Manor Mine Facility* prepared by Pennsylvania State University's Department of Anthropology will be updated, analyzed, and integrated into the Bailey Mine Disposal results. PASS forms will be prepared, graphics generated from the field notes and, if possible, the final report located and a copy provided to the PHMC/BHP. This project is located on an adjacent parcel on Enlow Run and constitutes the most relevant previous research in the watershed.

The results of the CDC and Hatch surveys will be coordinated with environmental data from the Enlow Fork Natural Area to provide significant information for a prehistoric model for this part of Pennsylvania. The model will be part of the Final Report generated for this project.

A web page will be created to explain the Native American occupation on Enlow Fork and its significance to Pennsylvania archaeology. The page could be part of an existing web site such as the Western Pennsylvania Conservancy (owner of the Enlow Fork Natural Area), the Wheeling Watershed Commission, or another similar entity.

Report

The Final Report for the project will include the following information:

1. Description of the study area;
2. Relevant historical documentation/background research;
3. The research design;

4. The field studies as actually implemented, including any deviation from the research design and the reason for the changes;
5. All field observations;
6. Analyses and results, illustrated as appropriate with tables, charts, and graphs;
7. Evaluation of the investigation in terms of the goals and objectives of the investigation, including discussion of how well the needs dictated by the planning process were served;
8. Recommendations for updating the relevant historic contexts and planning goals and priorities, and generation of new or revised information needs;

Title to Materials/Artifact Curation

The State Museum of Pennsylvania will serve as the official repository for the artifacts, field notes, photographs, and other data relating with the project. All artifactual materials collected during the Data Recovery surveys will be processed according the 2002 PHMC/BHP Curation Guidelines.



REPLY TO
ATTENTION OF

CENAP-OP-R (1145)

DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

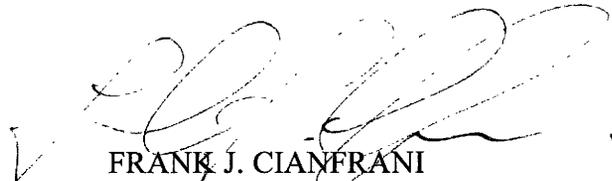
JUL 09 2004

MEMORANDUM FOR Commander, Baltimore District, ATTN: CENAB-OP-R

SUBJECT: Transmittal of Misdirected Correspondence

Enclosed, as a matter within your jurisdiction is misdirected correspondence.

FOR THE COMMANDER:



FRANK J. CIANFRANI
Chief, Regulatory Branch

Encl.



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

JUL 14 2004

CENAB-OP-RPA

MEMORANDUM FOR Commander, Pittsburgh District, ATTN: CEORP-OP-F

SUBJECT: Transmittal of Misdirected Correspondence

Enclosed as a matter within your jurisdiction is misdirected correspondence.

A handwritten signature in black ink, appearing to read "Irwin Garskof".

Encl

IRWIN GARSKOF
Chief, Pennsylvania Section

Rec'd
7/16/04
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Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

November 7, 2003

Christine Davis
CDC, Inc.
560 Penn Street
Verona, PA 15147

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: ER# 1998-2131-042-E
COE: Phase II Archaeological Survey, Bailey Disposal Facility,
Gray and Richhill Twps., Greene County, PA

Dear Ms. Davis:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

This report meets our standards and specifications as outlined in *Cultural Resource Management in Pennsylvania: Guidelines for Archaeological Investigations* (BHP 1991) and the Secretary of the Interior's guidelines for the treatment of archaeological properties. In our opinion, Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272), and Bailey #6 (36GR273) are eligible for listing in the National Register of Historic Places under Criterion D. Adverse effects to these resources resulting from project activities should be mitigated through a data recovery program if these sites cannot be preserved in place. As Bailey #6 (36GR273) is no longer a candidate for data recovery, we concur with the alternative mitigation proposed in the report in which:

1. 1978 survey findings of an adjacent area north of the APE by Pennsylvania State University, Department of Anthropology will be updated, analyzed, and integrated with this project's data. Site forms will be prepared, graphics generated from the field notes (and collections), and if possible, the final report will be located and a copy provided to this office.

Christy

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Read
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2. Development of a prehistoric settlement model for the Enlow Fork region.
3. The creation off a web page (content, location, and duration to be decided) explaining the significance of Native American settlements on the Enlow Fork.

If data recovery is necessary for Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272), a Memorandum of Agreement (MOA) should be prepared (see <http://www.achp.gov/archguide.html> for a sample copy) which includes a data recovery plan with a research design in consultation with our office and other stakeholders that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, the *Advisory Council on Historic Preservation's Treatment of Archeological Properties: A Handbook*, and *The Bureau's Guidelines* (1991). The plan should specify: (a) The results of previous research relevant to the project; (b) research problems or questions to be addressed with an explanation of their relevance and importance; (c) the field and laboratory analysis methods to be used with a justification of their cost-effectiveness and how they apply to this particular property and these research needs; (d) the methods to be used in artifact, data, and other records management; (e) explicit provisions for disseminating the research findings to professional peers in a timely manner; (f) arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results; (g) the curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR part 79 (except in the case of unexpected discoveries that may need to be considered for repatriation pursuant to NAGPRA) and the State Museum Curation Guidelines (2003); and (h) procedures for evaluating and treating discoveries of unexpected remains or newly identified historic properties during the course of the project, including necessary consultation with other parties. The final report should meet professional standards as described the Department of the Interior's *Format Standards for Final Reports of Data Recovery Programs* (42 FR 5377-79), and the Bureau's *Guidelines* (1991).

It is understood that all collections resulting from fieldwork to date and any data recoveries of the above resources will first be accessioned at the State Museum in Harrisburg, PA. The State Museum may then loan collections at their discretion to an acceptable repository. We suggest that if data recovery becomes necessary, all fieldwork, analysis, reporting, and accessioning of collections should be completed no later than November 7th, 2005.

In our opinion Bailey #3 (36GR270), Bailey #4 (36GR271), and Bailey #7 (36Gr274) are not eligible for listing in the National Register of Historic Places and no further archaeological work is necessary in these site areas. As Bailey #6 (36GR273) is no longer a candidate for data recovery, no further archaeological work is necessary in this project area provided that a written agreement arrives in this office by November 21st, 2003 stating that an MOA will be written and

signed by February 7th, 2003 and the above Stipulations completed for the Bailey #6 (36GR273) mitigation by November 7th, 2004.

Please send four copies of the final report (one unbound and all with original photographs) for our files and distribution to the various repositories.

If you need further information in this matter please consult Chan Funk at (717) 772-0924 or pfunk@state.pa.us.

Sincerely,



Jean Cutler, Director

cc: COE, Pittsburgh District



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

*File with IA/
Greene Co.*

REPLY TO
ATTENTION OF:

April 19, 2004

Operations and Readiness Division
Regulatory Branch
200200371

Mr. Jonathan Pachter
Consol Energy, Inc.
1800 Washington Road
Pittsburgh, Pennsylvania 15241-1421

Dear Mr. Pachter:

Enclosed is the Archeological Memorandum of Agreement for Recovery of Significant Information for the new Bailey Mine Refuse Disposal permit, signed by the Corps of Engineers. Please sign and date the MOA and forward the original to Chan Funk at PHMC.

If you have any questions, please contact Christina L. Schroeder at (412) 395-7375.

Sincerely,

Albert H. Rogalla
Albert H. Rogalla
Chief, Regulatory Branch

CF:
Chan Funk, PHMC

*Christy
F/IA/File*

*Signed J. Pachter
4/21/04*
*rec'd
4/23/04
J*

**MEMORANDUM OF AGREEMENT FOR
RECOVERY OF SIGNIFICANT INFORMATION**

FROM ARCHEOLOGICAL SITES: Bailey #1 (36GR268), Bailey #2 (36GR269),
Bailey #5 (36GR272), and Bailey #6 (36GR273)

UNDERTAKING: New Bailey Mine Disposal Facility, Gray and Richhill Townships

STATE: Pennsylvania

AGENCY: U.S. Army Corps of Engineers (COE)

Whereas, in accordance with 36 CFR Part 800, the COE acknowledges and accepts the advice and conditions outlined in Advisory Council of Historic Preservation's (ACHP) "Recommended Approach for Consultation on the Recovery of Significant Information from Archeological Sites," published in the Federal Register; and

Whereas, the consulting parties agree that recovery of significant information from the archeological sites listed above may be done in accordance with the published guidance; and

Whereas, the consulting parties agree that it is in the public interest to expand funds to implement this project through the recovery of significant information from archeological sites to mitigate the adverse effects of the project; and

Whereas, the consulting parties agree that Indian Tribes or Native Hawaiian organizations that may attach religious or cultural importance to the affected properties have been consulted and have raised no objection to the work proposed; and

Whereas, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001), are expected to be encountered in the archeological work;

Now, therefore, the COE shall ensure that the following terms and conditions, including the appended Archeological Data Recovery Plan, will be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470).

*Rec'd
4/14/04
r*

STIPULATIONS

Consol Pennsylvania Coal Company (Consol) shall ensure that the measures presented in Stipulations I-X are carried out:

I. DOCUMENTATION

Mitigation of the adverse effects to sites Bailey #1 (36GR268), Bailey #2 (36GR269), Bailey #5 (36GR272), and Bailey #6 (36GR273) shall be detailed in an Archaeological Data Recovery Plan (ADRP) approved by the Corps and the SHPO. The MOA with attached ADRP shall become a condition of the Corps permit.

II. TREATMENT

Consol shall ensure that all provisions of the ADRP are fully implemented. If the ADRP cannot be fully implemented, or changes are necessary to address unanticipated discoveries, the ADRP shall be revised and approved by all parties as stated in Stipulation V.

III. REPORTS

Consol shall ensure that all reports resulting from actions pursuant to this MOA are submitted in draft to the Corps and the SHPO for review and comment. The Corps, the SHPO will have one 30-day period following receipt of the draft report to submit any final comments to Consol. Consol will modify the draft report in accordance with any final comments received, and will provide the copies of the final report upon completion to SHPO, with original negatives and photographic prints. Failure of Corps or the SHPO to comment within the review time frame specified herein (thirty [30] days) will be deemed by Consol to constitute acceptance of the draft report and shall not preclude Consol from issuing the report in final form. If Consol objects to revising the draft report in accordance with Corps or the SHPO comments, Consol will proceed in accordance with Stipulation IX, below, pertaining to the dispute resolution.

IV. REPOSITORY

Consol will ensure that copies of the final report, photographs, and drawings, and artifacts will be submitted to a state approved curation facility identified by the SHPO.

V. CHANGES TO AGREEMENT

The signatories shall accomplish modification, amendment, or termination of the agreement as necessary in the same manner as the original agreement.

VI. DURATION

This agreement will be null and void if its terms are not carried out within five years from the date of its execution. Prior to such time, the Corps may consult with the other signatories to reconsider the terms of the agreement. Unless terminated pursuant to Stipulation IX, below, this MOA will be in effect through Consol's implementation of the stipulations of this MOA and will terminate and have no further force or effect when the Corps, in consultation with Consol and the SHPO determines that the terms of this MOA have been fulfilled in a satisfactory manner. Consol will provide the Corps and the SHPO with written notice of its determination and of termination of this MOA.

VII. MONITORING AND REPORTING

Each year following the execution of this agreement until it expires or is terminated, the Corps shall provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Corps' efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered noncompliance with the terms of this MOA pursuant to Stipulation X, below.

VIII. DISPUTE RESOLUTION

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Corps shall consult with the objecting party(ies) to resolve the objection. If the Corps determines, within 30 days, that such objection(s) cannot be resolved, the Corps will:

A. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise the Corps on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by the Corps in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the Corps may render a decision regarding the dispute. In reaching its decision, the Corps will take into account all comments regarding the dispute from the parties to the MOA.

C. The Corps' responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. The Corps will notify all parties of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. The Corps' decision will be final.

IX. AMENDMENTS AND NONCOMPLIANCE

If any signatory to this MOA, including any invited signatory, determines that in terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation XI, below.

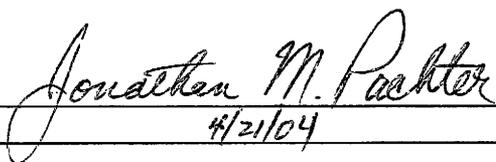
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EXECUTION of the Memorandum of Agreement by Consol, the Corps, and the SHPO, and its transmittal to the Council, and subsequent implementation of its terms, evidence that Consol has afforded the Council an opportunity to comment on the Undertaking and its effects on historic properties, that Consol has taken into account the effects on historic properties and that Consol has satisfied its responsibilities under Section 106 of the National Historic Preservation Act of 1966 (as amended) and applicable implementing regulation.

U.S. Army Corps of Engineers: 
Date: 4-19-04

State Historic Preservation Officer: _____
Date: _____

Consol Pennsylvania Coal Company: 
Date: 4/21/04

Archaeological Data Recovery Plan for Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272)

Alternative Mitigation Plan for Bailey #6 (36GR273)

Prepared by
Christine Davis Consultants, Inc.
February, 2004

INTRODUCTION

This research design was prepared in consultation with the Pennsylvania SHPO and is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and the *Advisory Council on Historic Preservation's Treatment of Archeological Properties: A Handbook*. The document includes the following information:

- A. The results of previous research relevant to the project;
- B. Research problems or questions to be addressed with an explanation of their relevance and importance
- C. Field and laboratory analysis methods to be used with a justification of their cost-effectiveness and how they apply to this particular property and these research needs;
- D. Methods to be used in artifact, data, and other records management;
- E. Explicit provisions for disseminating the research findings to professional peers in a timely manner
- F. Arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results;
- G. Curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR Part 79

SUMMARY OF PHASE I AND II ARCHAEOLOGICAL SURVEYS

A Phase II Archaeological Survey was conducted for the proposed expansion of the Bailey Disposal Facility in Gray and Richhill Townships, Greene County, Pennsylvania. The proposed construction will consist of the expansion of the existing Bailey Facility located northeast of the project area. The APE is located near the northwestern boundary of Greene County on a large tract of land characterized by various upland and floodplain topographical settings associated with tributary streams of the Enlow Fork of Wheeling Creek. The general area is a series of benches and terraces along tributary streams, and steep slopes leading up to narrow peninsular uplands and ridgetops.

The area of potential effect (APE) is topographically situated within the Kanawha section of the Unglaciaded Appalachian Plateau physiographic province. The Kanawha section consists of rounded hills and ridges, but south of the city of Washington the ridges become sharp and uneven in elevation. The proposed development area for this project consists of approximately 2,259,513 square meters (m) (24,321,998 square feet (ft) or 558 acres). Soils in the APE are mapped as Culleoka silt loam (CaB), Dormont silt loam (DoB and DoC), Dormont-Culleoka silt loams (DtD, DtF), Fluvaquents (Fa), and Weikert-Culleoka complex (WeD). The major soil type in the APE is Dormont-Culleoka silt loams (DtD, DtF). The APE is situated within the Ohio River drainage system and is well watered and drained by unnamed tributary streams of the Enlow Fork of Wheeling Creek.

During the Phase I Archaeological Survey, seven previously undocumented archaeological sites were identified and recorded as **Bailey# 1 (36GR268)**, **Bailey #2(36GR269)**, **Bailey #3 (36GR270)**, **Bailey #4 (36GR271)**, **Bailey #5 (36GR272)**, **Bailey #6(36GR273)**, and **Bailey #7 (36GR274)**. These sites were discovered utilizing shovel test probes (STPs) excavated at 15 m intervals.

In July 2003, a Phase I Archaeological Survey/Phase II Workplan report was submitted to the Pennsylvania Historical and Museum Commission/Bureau for Historic Preservation (PHMC/BHP) for review. A Phase II Archaeological Survey was recommended for the seven archaeological sites identified within the project area, including six prehistoric sites and one historic site (36GR274). The purpose of the Phase II was to determine whether these sites retain archaeological integrity and are eligible for the National Register under Criterion D for their potential to yield important new information to the study of prehistoric cultures. The Phase II Survey began in August of 2003 with the excavation of shovel test probes (STPs) conducted at five m intervals at each of the sites in order to define the site boundaries. Once the site boundary of each site was defined through close-interval STPs, a grid was established on each of the six prehistoric sites using a Nikon DTM-330 Total Station. Ten by ten m blocks were laid out on each site, and random one-by-one m units were selected within each ten-by-ten m block. Excavated one-by-one units were chosen through a computer generated random number selection of the 100 units with in each ten-by-ten m block. Based on these results, the plowzone of two of the sites, Bailey #1 (36GR268) and Bailey #6 (36GR273) was mechanically stripped. Three features were identified on Bailey #1 while no features were found on Bailey #6.

In a letter from the PHMC dated November 7, 2003, Bailey #1 (3GR268), Bailey #2 (36GR269), Bailey #5 (36GR272), and Bailey #6 (36GR273) were recommended as eligible for the National Register of Historic Places (NRHP) under Criterion D. Bailey #3 (36GR270), Bailey #4 (36GR271,) and Bailey #7 (36GR274) were recommended as not eligible for the NRHP. The PHMC stated that data recovery was necessary for Bailey #1 (3GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272). An alternative mitigation plan was recommended recommended for Bailey #6.

ARCHAEOLOGICAL DOCUMENTATION PLAN

Base-line Data Collection

Information regarding other sites in the Monongahela 19(B) and Ohio 20(E) watersheds will be obtained through the PHMC/BHP Geographical Information System (GIS) database, from the Pennsylvania Archaeological Site Survey records, and from other archaeological work completed in the area. Based on the previous background research, professional archaeological research in the Enlow Fork has been very limited. Thus, information from other sites with similar chronological and functional attributes in southwestern Pennsylvania will be compiled to compare and contrast the Enlow Fork sites.

This data will be used to understand settlement pattern attributes for this chronological period and to identify specific artifact and feature information from other regional sites. Expected site characteristics will be presumed based on the supplemental background research. Artifacts found in similar topographic settings will be used to compare and contrast materials recovered during the Phase III Data Recovery. All information that could be relevant to interpreting the Bailey Mine sites will be obtained from the database.

Research Problems, Gaps and Questions

Settlement Pattern

One of the important gaps in the archaeological record for Enlow Fork is an understanding of the regional settlement pattern. The Bailey Disposal Facility sites represent a series of camps for tool maintenance and rejuvenation with some biface reduction and tool production. The camps do not have the attributes of hunting camps because the percentages of projectile points and other tool forms are extremely low. The Bailey Disposal Facility sites contained very high percentages of lithic debitage but few core fragments and primary flakes suggesting that a quarry site was nearby, but not on-site, and that some tool and biface production took place here. In addition, there are very low percentages of tools of any kind. Further, the functions of the sites may have shifted through time based on the presence of two storage pits and one large FCR feature in Bailey #1.

The working hypothesis that the Bailey Disposal Facility prehistoric sites represent the following:

- Specialized camps for lithic tool production, maintenance and rejuvenation to prepare for hunting trips in the Enlow Fork watershed. These sites contain high percentages of tertiary flakes, low proportions of finished tools, and low percentages of fire-cracked rock indicating short-term use.
- Specialized winter camps within the catchment areas of larger Late Archaic base camps and Woodland villages. Late stage lithic reduction is evident by high percentages of tertiary flakes and low percentages of other lithic types.

These camps may be related with the trapping of beaver and mink. One or more subsurface smoking pits with dense, tabular sandstone FCR and minimal associated floral or faunal remains are predicted along with very high percentages of FCR in surrounding units.

Other research questions include:

1. Why are large FCR features in upland settings characteristically not associated with acorns, hickory nuts, calcined bone, seeds, and other remnants of the prehistoric cuisine?
2. Why build a pit with 30 to 132 pounds of rock just to cook dinner anyway?
3. What are the correlations between these FCR features that resemble stone features found in Early and Middle Woodland mounds?
4. What was it about these tabular sandstones that made it worth the trouble of procuring them?
5. Only one or two of these features occur on each site. Why not more?

Subsistence and Seasonality

The seasonality and subsistence pattern is poorly understood although an increase in subsistence diversity has been suggested for the Late Archaic period. Despite the hundreds of recorded sites, this information is difficult to assess because of the scarcity of finding intact archaeological features with microfloral remains and associated for this period suggests that both hunting and gathering were part of the subsistence pattern.

Political Organization/Site Function

Political organization in the through the Late Archaic through the Late Woodland periods, particularly during periods of disruption, change and development, is poorly understood. What were the factors for site selection? Is there any evidence for occupants' gender?

Field Methodology

Although magnetometer (MAG) surveys have been conducted on archaeological sites for many years, the technology has greatly improved. A Proton Precision Magnetometer will be used to conduct testing on the remaining unstripped section of the Bailey #1 Site (approximately 60 percent of the site surface) and on the Bailey #2 and Bailey #5 Sites. A 100% sample will be examined in the latter two sites.

The MAG survey will be conducted at 0.5 m intervals across each resource. Any ground anomalies identified during the magnetometer surveys will be analyzed and evaluated in consultation with the geophysicist. Prioritizing and accurately locating the features is critical and a plan for "ground truthing" the anomalies identified during the MAG survey will be prepared.

During ground-truthing, all units will be hand-excavated in 10 centimeters (cm) levels within any natural strata that may be found beneath the plowzone. Trowels will be used to scrape down the surface of any buried cultural horizon in order to define any cultural features that may be present. The cultural horizon itself will be carefully excavated in 10 cm levels and its characteristics documented. Excavations will continue 10 cm below the cultural horizon. All excavated soils will be screened through quarter inch hardware mesh.

All cultural features will be mapped using a Nikon DTM-330 Total Station, then fully exposed, drawn in plan view and photographed. Features will be sectioned and profile drawings recorded. If features are stratified, samples from each stratum will be recovered and analyzed individually. If present, charcoal samples for radiocarbon dating will be collected.

Constant volume samples will be retained for flotation analysis and, if any micro-floral remains are found, the results will be submitted to an ethnobotanist. The results of the ethnobotanical study will be compared and contrasted with analyses from other regional sites.

Alternative Mitigation Plan for Bailey #6 (36GR273)

Update, analyze, and integrate the 1978 Report titled *Survey and Evaluation of Cultural Resources on the Manor Mine Facility* prepared by Pennsylvania State University's Department of Anthropology will be updated, analyzed, and integrated into the Bailey Mine Disposal results. PASS forms will be prepared, graphics generated from the field notes and, if possible, the final report located and a copy provided to the PHMC/BHP. This project is located on an adjacent parcel on Enlow Run and constitutes the most relevant previous research in the watershed.

The results of the CDC and Hatch surveys will be coordinated with environmental data from the Enlow Fork Natural Area to provide significant information for a prehistoric model for this part of Pennsylvania. The model will be part of the Final Report generated for this project.

A web page will be created to explain the Native American occupation on Enlow Fork and its significance to Pennsylvania archaeology. The page could be part of an existing web site such as the Western Pennsylvania Conservancy (owner of the Enlow Fork Natural Area), the Wheeling Watershed Commission, or another similar entity.

Report

The Final Report for the project will include the following information:

1. Description of the study area;
2. Relevant historical documentation/background research;
3. The research design;

4. The field studies as actually implemented, including any deviation from the research design and the reason for the changes;
5. All field observations;
6. Analyses and results, illustrated as appropriate with tables, charts, and graphs;
7. Evaluation of the investigation in terms of the goals and objectives of the investigation, including discussion of how well the needs dictated by the planning process were served;
8. Recommendations for updating the relevant historic contexts and planning goals and priorities, and generation of new or revised information needs;

Title to Materials/Artifact Curation

The State Museum of Pennsylvania will serve as the official repository for the artifacts, field notes, photographs, and other data relating with the project. All artifactual materials collected during the Data Recovery surveys will be processed according the 2002 PHMC/BHP Curation Guidelines.

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April 19, 2004

Operations and Readiness Division
Regulatory Branch
200200371

Mr. Jonathan Pachter
Consol Energy, Inc.
1800 Washington Road
Pittsburgh, Pennsylvania 15241-1421

Dear Mr. Pachter:

Enclosed is the Archeological Memorandum of Agreement for Recovery of Significant Information for the new Bailey Mine Refuse Disposal permit, signed by the Corps of Engineers. Please sign and date the MOA and forward the original to Chan Funk at PHMC.

If you have any questions, please contact Christina L. Schroeder at (412) 395-7375.

Sincerely,

SIGNED

Albert H. Rogalla
Chief, Regulatory Branch

CF:
Chan Funk, PHMC

**RECORD
FILE**

**MEMORANDUM OF AGREEMENT FOR
RECOVERY OF SIGNIFICANT INFORMATION**

FROM ARCHEOLOGICAL SITES: Bailey #1 (36GR268), Bailey #2 (36GR269),
Bailey #5 (36GR272), and Bailey #6 (36GR273)

UNDERTAKING: New Bailey Mine Disposal Facility, Gray and Richhill Townships

STATE: Pennsylvania

AGENCY: U.S. Army Corps of Engineers (COE)

Whereas, in accordance with 36 CFR Part 800, the COE acknowledges and accepts the advice and conditions outlined in Advisory Council of Historic Preservation's (ACHP) "Recommended Approach for Consultation on the Recovery of Significant Information from Archeological Sites," published in the Federal Register; and

Whereas, the consulting parties agree that recovery of significant information from the archeological sites listed above may be done in accordance with the published guidance; and

Whereas, the consulting parties agree that it is in the public interest to expand funds to implement this project through the recovery of significant information from archeological sites to mitigate the adverse effects of the project; and

Whereas, the consulting parties agree that Indian Tribes or Native Hawaiian organizations that may attach religious or cultural importance to the affected properties have been consulted and have raised no objection to the work proposed; and

Whereas, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001), are expected to be encountered in the archeological work;

Now, therefore, the COE shall ensure that the following terms and conditions, including the appended Archeological Data Recovery Plan, will be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470).

*Rec'd
4/14/04
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STIPULATIONS

Consol Pennsylvania Coal Company (Consol) shall ensure that the measures presented in Stipulations I-X are carried out:

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Mitigation of the adverse effects to sites Bailey #1 (36GR268), Bailey #2 (36GR269), Bailey #5 (36GR272), and Bailey #6 (36GR273) shall be detailed in an Archaeological Data Recovery Plan (ADRP) approved by the Corps and the SHPO. The MOA with attached ADRP shall become a condition of the Corps permit.

II. TREATMENT

Consol shall ensure that all provisions of the ADRP are fully implemented. If the ADRP cannot be fully implemented, or changes are necessary to address unanticipated discoveries, the ADRP shall be revised and approved by all parties as stated in Stipulation V.

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Consol shall ensure that all reports resulting from actions pursuant to this MOA are submitted in draft to the Corps and the SHPO for review and comment. The Corps, the SHPO will have one 30-day period following receipt of the draft report to submit any final comments to Consol. Consol will modify the draft report in accordance with any final comments received, and will provide the copies of the final report upon completion to SHPO, with original negatives and photographic prints. Failure of Corps or the SHPO to comment within the review time frame specified herein (thirty [30] days) will be deemed by Consol to constitute acceptance of the draft report and shall not preclude Consol from issuing the report in final form. If Consol objects to revising the draft report in accordance with Corps or the SHPO comments, Consol will proceed in accordance with Stipulation IX, below, pertaining to the dispute resolution.

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U.S. Army Corps of Engineers: _____

Date: _____

John R. [Signature]
4-19-04

State Historic Preservation Officer: _____

Date: _____

Consol Pennsylvania Coal Company: _____

Date: _____

**Archaeological Data Recovery Plan for Bailey #1 (36GR268), Bailey #2
(36GR269), and Bailey #5 (36GR272)**

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**Prepared by
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February, 2004**

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In July 2003, a Phase I Archaeological Survey/Phase II Workplan report was submitted to the Pennsylvania Historical and Museum Commission/Bureau for Historic Preservation (PHMC/BHP) for review. A Phase II Archaeological Survey was recommended for the seven archaeological sites identified within the project area, including six prehistoric sites and one historic site (36GR274). The purpose of the Phase II was to determine whether these sites retain archaeological integrity and are eligible for the National Register under Criterion D for their potential to yield important new information to the study of prehistoric cultures. The Phase II Survey began in August of 2003 with the excavation of shovel test probes (STPs) conducted at five m intervals at each of the sites in order to define the site boundaries. Once the site boundary of each site was defined through close-interval STPs, a grid was established on each of the six prehistoric sites using a Nikon DTM-330 Total Station. Ten by ten m blocks were laid out on each site, and random one-by-one m units were selected within each ten-by-ten m block. Excavated one-by-one units were chosen through a computer generated random number selection of the 100 units with in each ten-by-ten m block. Based on these results, the plowzone of two of the sites, Bailey #1 (36GR268) and Bailey #6 (36GR273) was mechanically stripped. Three features were identified on Bailey #1 while no features were found on Bailey #6.

In a letter from the PHMC dated November 7, 2003, Bailey #1 (3GR268), Bailey #2 (36GR269), Bailey #5 (36GR272), and Bailey #6 (36GR273) were recommended as eligible for the National Register of Historic Places (NRHP) under Criterion D. Bailey #3 (36GR270), Bailey #4 (36GR271,) and Bailey #7 (36GR274) were recommended as not eligible for the NRHP. The PHMC stated that data recovery was necessary for Bailey #1 (3GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272). An alternative mitigation plan was recommended recommended for Bailey #6.

ARCHAEOLOGICAL DOCUMENTATION PLAN

Base-line Data Collection

Information regarding other sites in the Monongahela 19(B) and Ohio 20(E) watersheds will be obtained through the PHMC/BHP Geographical Information System (GIS) database, from the Pennsylvania Archaeological Site Survey records, and from other archaeological work completed in the area. Based on the previous background research, professional archaeological research in the Enlow Fork has been very limited. Thus, information from other sites with similar chronological and functional attributes in southwestern Pennsylvania will be compiled to compare and contrast the Enlow Fork sites.

This data will be used to understand settlement pattern attributes for this chronological period and to identify specific artifact and feature information from other regional sites. Expected site characteristics will be presumed based on the supplemental background research. Artifacts found in similar topographic settings will be used to compare and contrast materials recovered during the Phase III Data Recovery. All information that could be relevant to interpreting the Bailey Mine sites will be obtained from the database.

Research Problems, Gaps and Questions

Settlement Pattern

One of the important gaps in the archaeological record for Enlow Fork is an understanding of the regional settlement pattern. The Bailey Disposal Facility sites represent a series of camps for tool maintenance and rejuvenation with some biface reduction and tool production. The camps do not have the attributes of hunting camps because the percentages of projectile points and other tool forms are extremely low. The Bailey Disposal Facility sites contained very high percentages of lithic debitage but few core fragments and primary flakes suggesting that a quarry site was nearby, but not on-site, and that some tool and biface production took place here. In addition, there are very low percentages of tools of any kind. Further, the functions of the sites may have shifted through time based on the presence of two storage pits and one large FCR feature in Bailey #1.

The working hypothesis that the Bailey Disposal Facility prehistoric sites represent the following:

- Specialized camps for lithic tool production, maintenance and rejuvenation to prepare for hunting trips in the Enlow Fork watershed. These sites contain high percentages of tertiary flakes, low proportions of finished tools, and low percentages of fire-cracked rock indicating short-term use.
- Specialized winter camps within the catchment areas of larger Late Archaic base camps and Woodland villages. Late stage lithic reduction is evident by high percentages of tertiary flakes and low percentages of other lithic types.

These camps may be related with the trapping of beaver and mink. One or more subsurface smoking pits with dense, tabular sandstone FCR and minimal associated floral or faunal remains are predicted along with very high percentages of FCR in surrounding units.

Other research questions include:

1. Why are large FCR features in upland settings characteristically not associated with acorns, hickory nuts, calcined bone, seeds, and other remnants of the prehistoric cuisine?
2. Why build a pit with 30 to 132 pounds of rock just to cook dinner anyway?
3. What are the correlations between these FCR features that resemble stone features found in Early and Middle Woodland mounds?
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The seasonality and subsistence pattern is poorly understood although an increase in subsistence diversity has been suggested for the Late Archaic period. Despite the hundreds of recorded sites, this information is difficult to assess because of the scarcity of finding intact archaeological features with microfloral remains and associated for this period suggests that both hunting and gathering were part of the subsistence pattern.

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Political organization in the through the Late Archaic through the Late Woodland periods, particularly during periods of disruption, change and development, is poorly understood. What were the factors for site selection? Is there any evidence for occupants' gender?

Field Methodology

Although magnetometer (MAG) surveys have been conducted on archaeological sites for many years, the technology has greatly improved. A Proton Precision Magnetometer will be used to conduct testing on the remaining unstripped section of the Bailey #1 Site (approximately 60 percent of the site surface) and on the Bailey #2 and Bailey #5 Sites. A 100% sample will be examined in the latter two sites.

The MAG survey will be conducted at 0.5 m intervals across each resource. Any ground anomalies identified during the magnetometer surveys will be analyzed and evaluated in consultation with the geophysicist. Prioritizing and accurately locating the features is critical and a plan for "ground truthing" the anomalies identified during the MAG survey will be prepared.

During ground-truthing, all units will be hand-excavated in 10 centimeters (cm) levels within any natural strata that may be found beneath the plowzone. Trowels will be used to scrape down the surface of any buried cultural horizon in order to define any cultural features that may be present. The cultural horizon itself will be carefully excavated in 10 cm levels and its characteristics documented. Excavations will continue 10 cm below the cultural horizon. All excavated soils will be screened through quarter inch hardware mesh.

All cultural features will be mapped using a Nikon DTM-330 Total Station, then fully exposed, drawn in plan view and photographed. Features will be sectioned and profile drawings recorded. If features are stratified, samples from each stratum will be recovered and analyzed individually. If present, charcoal samples for radiocarbon dating will be collected.

Constant volume samples will be retained for flotation analysis and, if any micro-floral remains are found, the results will be submitted to an ethnobotanist. The results of the ethnobotanical study will be compared and contrasted with analyses from other regional sites.

Alternative Mitigation Plan for Bailey #6 (36GR273)

Update, analyze, and integrate the 1978 Report titled *Survey and Evaluation of Cultural Resources on the Manor Mine Facility* prepared by Pennsylvania State University's Department of Anthropology will be updated, analyzed, and integrated into the Bailey Mine Disposal results. PASS forms will be prepared, graphics generated from the field notes and, if possible, the final report located and a copy provided to the PHMC/BHP. This project is located on an adjacent parcel on Enlow Run and constitutes the most relevant previous research in the watershed.

The results of the CDC and Hatch surveys will be coordinated with environmental data from the Enlow Fork Natural Area to provide significant information for a prehistoric model for this part of Pennsylvania. The model will be part of the Final Report generated for this project.

A web page will be created to explain the Native American occupation on Enlow Fork and its significance to Pennsylvania archaeology. The page could be part of an existing web site such as the Western Pennsylvania Conservancy (owner of the Enlow Fork Natural Area), the Wheeling Watershed Commission, or another similar entity.

Report

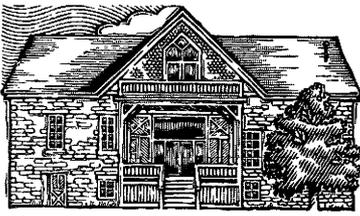
The Final Report for the project will include the following information:

1. Description of the study area;
2. Relevant historical documentation/background research;
3. The research design;

4. The field studies as actually implemented, including any deviation from the research design and the reason for the changes;
5. All field observations;
6. Analyses and results, illustrated as appropriate with tables, charts, and graphs;
7. Evaluation of the investigation in terms of the goals and objectives of the investigation, including discussion of how well the needs dictated by the planning process were served;
8. Recommendations for updating the relevant historic contexts and planning goals and priorities, and generation of new or revised information needs;

Title to Materials/Artifact Curation

The State Museum of Pennsylvania will serve as the official repository for the artifacts, field notes, photographs, and other data relating with the project. All artifactual materials collected during the Data Recovery surveys will be processed according the 2002 PHMC/BHP Curation Guidelines.



Christine Davis Consultants

Archaeology and History

www.chrisdavis.net

Cider Mill of Pittsburgh • 560 Penn Street • Verona, Pennsylvania 15147 • 412.826.0443 • Fax 412.826.0458

March 4, 2004

Christina Schroeder
U.S. Army Corps of Engineers
Department of the Army, Pittsburgh District
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

RE: New Bailey Mine Disposal Facility
Memorandum of Agreement

Dear Ms. Schroeder,

Enclosed are three copies of the Memorandum of Agreement with signatures from Consol Energy.

Please contact me if you have any questions regarding this project.
Thank you.

Sincerely,

CHRISTINE DAVIS CONSULTANTS, INC

Christine Davis

Christine Davis

cc: 01047

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3/8/04
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**MEMORANDUM OF AGREEMENT FOR
RECOVERY OF SIGNIFICANT INFORMATION**

FROM ARCHEOLOGICAL SITES: Bailey #1 (36GR268), Bailey #2 (36GR269),
Bailey #5 (36GR272), and Bailey #6 (36GR273)

UNDERTAKING: New Bailey Mine Disposal Facility, Gray and Richhill Townships

STATE: Pennsylvania

AGENCY: U.S. Army Corps of Engineers (COE)

Whereas, in accordance with 36 CFR Part 800, the COE acknowledges and accepts the advice and conditions outlined in Advisory Council of Historic Preservation's (ACHP) "Recommended Approach for Consultation on the Recovery of Significant Information from Archeological Sites," published in the Federal Register; and

Whereas, the consulting parties agree that recovery of significant information from the archeological sites listed above may be done in accordance with the published guidance; and

Whereas, the consulting parties agree that it is in the public interest to expand funds to implement this project through the recovery of significant information from archeological sites to mitigate the adverse effects of the project; and

Whereas, the consulting parties agree that Indian Tribes or Native Hawaiian organizations that may attach religious or cultural importance to the affected properties have been consulted and have raised no objection to the work proposed; and

Whereas, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001), are expected to be encountered in the archeological work;

Now, therefore, the COE shall ensure that the following terms and conditions, including the appended Archeological Data Recovery Plan, will be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470).

OTHER TERMS AND CONDITIONS:

- Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
- Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of ACHP to assist in resolving the dispute.
- This agreement shall be null and void if its terms are not carried out within 5 (five) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

U.S. Army Corps of Engineers: _____
Date: _____

State Historic Preservation Officer: _____
Date: _____

Consol Pennsylvania Coal Company: Dave Hudson
Date: 2/25/04

Archaeological Data Recovery Plan for Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272)

Alternative Mitigation Plan for Bailey #6 (36GR273)

Prepared by
Christine Davis Consultants, Inc.
February, 2004

INTRODUCTION

This research design was prepared in consultation with the Pennsylvania SHPO and is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and the *Advisory Council on Historic Preservation's Treatment of Archeological Properties: A Handbook*. The document includes the following information:

- A. The results of previous research relevant to the project;
- B. Research problems or questions to be addressed with an explanation of their relevance and importance
- C. Field and laboratory analysis methods to be used with a justification of their cost-effectiveness and how they apply to this particular property and these research needs;
- D. Methods to be used in artifact, data, and other records management;
- E. Explicit provisions for disseminating the research findings to professional peers in a timely manner
- F. Arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results;
- G. Curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR Part 79

SUMMARY OF PHASE I AND II ARCHAEOLOGICAL SURVEYS

A Phase II Archaeological Survey was conducted for the proposed expansion of the Bailey Disposal Facility in Gray and Richhill Townships, Greene County, Pennsylvania. The proposed construction will consist of the expansion of the existing Bailey Facility located northeast of the project area. The APE is located near the northwestern boundary of Greene County on a large tract of land characterized by various upland and floodplain topographical settings associated with tributary streams of the Enlow Fork of Wheeling Creek. The general area is a series of benches and terraces along tributary streams, and steep slopes leading up to narrow peninsular uplands and ridgetops.

The area of potential effect (APE) is topographically situated within the Kanawha section of the Unglaciaded Appalachian Plateau physiographic province. The Kanawha section consists of rounded hills and ridges, but south of the city of Washington the ridges become sharp and uneven in elevation. The proposed development area for this project consists of approximately 2,259,513 square meters (m) (24,321,998 square feet (ft) or 558 acres). Soils in the APE are mapped as Culleoka silt loam (CaB), Dormont silt loam (DoB and DoC), Dormont-Culleoka silt loams (DtD, DtF), Fluvaquents (Fa), and Weikert-Culleoka complex (WeD). The major soil type in the APE is Dormont-Culleoka silt loams (DtD, DtF). The APE is situated within the Ohio River drainage system and is well watered and drained by unnamed tributary streams of the Enlow Fork of Wheeling Creek.

During the Phase I Archaeological Survey, seven previously undocumented archaeological sites were identified and recorded as **Bailey# 1 (36GR268)**, **Bailey #2(36GR269)**, **Bailey #3 (36GR270)**, **Bailey #4 (36GR271)**, **Bailey #5 (36GR272)**, **Bailey #6(36GR273)**, and **Bailey #7 (36GR274)**. These sites were discovered utilizing shovel test probes (STPs) excavated at 15 m intervals.

In July 2003, a Phase I Archaeological Survey/Phase II Workplan report was submitted to the Pennsylvania Historical and Museum Commission/Bureau for Historic Preservation (PHMC/BHP) for review. A Phase II Archaeological Survey was recommended for the seven archaeological sites identified within the project area, including six prehistoric sites and one historic site (36GR274). The purpose of the Phase II was to determine whether these sites retain archaeological integrity and are eligible for the National Register under Criterion D for their potential to yield important new information to the study of prehistoric cultures. The Phase II Survey began in August of 2003 with the excavation of shovel test probes (STPs) conducted at five m intervals at each of the sites in order to define the site boundaries. Once the site boundary of each site was defined through close-interval STPs, a grid was established on each of the six prehistoric sites using a Nikon DTM-330 Total Station. Ten by ten m blocks were laid out on each site, and random one-by-one m units were selected within each ten-by-ten m block. Excavated one-by-one units were chosen through a computer generated random number selection of the 100 units with in each ten-by-ten m block. Based on these results, the plowzone of two of the sites, Bailey #1 (36GR268) and Bailey #6 (36GR273) was mechanically stripped. Three features were identified on Bailey #1 while no features were found on Bailey #6.

In a letter from the PHMC dated November 7, 2003, Bailey #1 (36GR268), Bailey #2 (36GR269), Bailey #5 (36GR272), and Bailey #6 (36GR273) were recommended as eligible for the National Register of Historic Places (NRHP) under Criterion D. Bailey #3 (36GR270), Bailey #4 (36GR271), and Bailey #7 (36GR274) were recommended as not eligible for the NRHP. The PHMC stated that data recovery was necessary for Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272). An alternative mitigation plan was recommended for Bailey #6.

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Settlement Pattern

One of the important gaps in the archaeological record for Enlow Fork is an understanding of the regional settlement pattern. The Bailey Disposal Facility sites represent a series of camps for tool maintenance and rejuvenation with some biface reduction and tool production. The camps do not have the attributes of hunting camps because the percentages of projectile points and other tool forms are extremely low. The Bailey Disposal Facility sites contained very high percentages of lithic debitage but few core fragments and primary flakes suggesting that a quarry site was nearby, but not on-site, and that some tool and biface production took place here. In addition, there are very low percentages of tools of any kind. Further, the functions of the sites may have shifted through time based on the presence of two storage pits and one large FCR feature in Bailey #1.

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Alternative Mitigation Plan for Bailey #6 (36GR273)

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Report

The Final Report for the project will include the following information:

1. Description of the study area;
2. Relevant historical documentation/background research;
3. The research design;

4. The field studies as actually implemented, including any deviation from the research design and the reason for the changes;
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6. Analyses and results, illustrated as appropriate with tables, charts, and graphs;
7. Evaluation of the investigation in terms of the goals and objectives of the investigation, including discussion of how well the needs dictated by the planning process were served;
8. Recommendations for updating the relevant historic contexts and planning goals and priorities, and generation of new or revised information needs;

Title to Materials/Artifact Curation

The State Museum of Pennsylvania will serve as the official repository for the artifacts, field notes, photographs, and other data relating with the project. All artifactual materials collected during the Data Recovery surveys will be processed according the 2002 PHMC/BHP Curation Guidelines.



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

November 7, 2003

Christine Davis
CDC, Inc.
560 Penn Street
Verona, PA 15147

Re: ER# 1998-2131-042-E
COE: Phase II Archaeological Survey, Bailey Disposal Facility,
Gray and Richhill Twps., Greene County, PA

Dear Ms. Davis:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

This report meets our standards and specifications as outlined in *Cultural Resource Management in Pennsylvania: Guidelines for Archaeological Investigations* (BHP 1991) and the Secretary of the Interior's guidelines for the treatment of archaeological properties. In our opinion, Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272), and Bailey #6 (36GR273) are eligible for listing in the National Register of Historic Places under Criterion D. Adverse effects to these resources resulting from project activities should be mitigated through a data recovery program if these sites cannot be preserved in place. As Bailey #6 (36GR273) is no longer a candidate for data recovery, we concur with the alternative mitigation proposed in the report in which:

1. 1978 survey findings of an adjacent area north of the APE by Pennsylvania State University, Department of Anthropology will be updated, analyzed, and integrated with this project's data. Site forms will be prepared, graphics generated from the field notes (and collections), and if possible, the final report will be located and a copy provided to this office.

2. Development of a prehistoric settlement model for the Enlow Fork region.
3. The creation off a web page (content, location, and duration to be decided) explaining the significance of Native American settlements on the Enlow Fork.

If data recovery is necessary for Bailey #1 (36GR268), Bailey #2 (36GR269), and Bailey #5 (36GR272), a Memorandum of Agreement (MOA) should be prepared (see <http://www.achp.gov/archguide.html> for a sample copy) which includes a data recovery plan with a research design in consultation with our office and other stakeholders that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, the *Advisory Council on Historic Preservation's Treatment of Archeological Properties: A Handbook*, and *The Bureau's Guidelines* (1991). The plan should specify: (a) The results of previous research relevant to the project; (b) research problems or questions to be addressed with an explanation of their relevance and importance; (c) the field and laboratory analysis methods to be used with a justification of their cost-effectiveness and how they apply to this particular property and these research needs; (d) the methods to be used in artifact, data, and other records management; (e) explicit provisions for disseminating the research findings to professional peers in a timely manner; (f) arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results; (g) the curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR part 79 (except in the case of unexpected discoveries that may need to be considered for repatriation pursuant to NAGPRA) and the State Museum Curation Guidelines (2003); and (h) procedures for evaluating and treating discoveries of unexpected remains or newly identified historic properties during the course of the project, including necessary consultation with other parties. The final report should meet professional standards as described the Department of the Interior's *Format Standards for Final Reports of Data Recovery Programs* (42 FR 5377-79), and the Bureau's *Guidelines* (1991).

It is understood that all collections resulting from fieldwork to date and any data recoveries of the above resources will first be accessioned at the State Museum in Harrisburg, PA. The State Museum may then loan collections at their discretion to an acceptable repository. We suggest that if data recovery becomes necessary, all fieldwork, analysis, reporting, and accessioning of collections should be completed no later than November 7th, 2005.

In our opinion Bailey #3 (36GR270), Bailey #4 (36GR271), and Bailey #7 (36GR274) are not eligible for listing in the National Register of Historic Places and no further archaeological work is necessary in these site areas. As Bailey #6 (36GR273) is no longer a candidate for data recovery, no further archaeological work is necessary in this project area provided that a written agreement arrives in this office by November 21st, 2003 stating that an MOA will be written and

signed by February 7th, 200⁴ and the above Stipulations completed for the Bailey #6 (36GR273) mitigation by November 7th, 2004.

Please send four copies of the final report (one unbound and all with original photographs) for our files and distribution to the various repositories.

If you need further information in this matter please consult Chan Funk at (717) 772-0924 or pfunk@state.pa.us.

Sincerely,



Jean Cutler, Director

cc: COE, Pittsburgh District



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

October
~~September 2, 2003~~

Christine Davis
560 Penn Street
Verona, PA 15147

T
BUREAU FOR HISTORIC PRESERVATION

Re: ER# 2002-1693-059-D (1985-0390-059-VVV)
COE: Interim Draft Report, Phase II Archaeological Survey,
Bailey Disposal Facility, Greene County, PA

Dear Ms. Davis:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

Thank you for the interim report on your evaluation measures thus far for archaeological sites 36GR268, 36GR269, 36GR270, 26GR271, 36GR272, 36GR273, and 36GR274 which were identified and reported to this office in July of 2003. At that time, we agreed with your recommendations and proposed work plan to conduct Phase II National Register evaluation testing at these sites. We also thank you for taking time from your schedule on September 24, 2003 to visit our office and explain the complex nature of the undertaking and your preliminary findings.

Your efforts to date have demonstrated that significant resources are located within the project area. Due to the complex nature of the proposed undertaking and the significance of the resources, we recommend that a complete Phase II report be submitted for review in order to properly evaluate their significance and determine their eligibility for listing to the National Register of Historic Places. Please address regional context and the evaluation criteria outlined in our July 2003 response to the Phase I report.

PN 02-53
Christy
Need
10/10/03
JR

Please send four copies of the final Phase I report (one unbound and all with original photographs) for our files and distribution to the various repositories. Append a signed gift agreement for archaeological collections to the final report and state where and when the collection will be permanently curated. The curated collections are an important part of the data that make archaeological sites significant. Making collections accessible enables future research to build on the discoveries of the past, makes research replicable, and allows us to share the information we learn from cultural resource management projects with the public through exhibits. If the State Museum in Harrisburg will not be the final repository for collections, then additional documentation in the form of detailed photographs and measurements will be required to facilitate future research.

If you need further information in this matter please consult Chan Funk at (717) 772-0924 or pfunk@state.pa.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt W. Carr".

Kurt W. Carr, Chief
Division of Archaeology & Protection

cc: Christine Neubert, USACOE, Pittsburgh District, Regulatory Branch

KWC/DNS