



November 28, 2011

The Culture Center
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Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

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EEO/AA Employer

Mr. Michael Striker
Senior Manager
Gary & Pape
1318 Main Street
Cincinnati, Ohio 45202-7614

RE: Proposed Mitchell Landfill
FR# 12-53-MR

Dear Mr. Striker:

We have reviewed the report titled *Phase I Cultural Resources Investigation of the Proposed Mitchell Landfill, Franklin District, Marshall County, West Virginia*, which was submitted for the above referenced project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Archaeological Resources:

According to the report, systematic survey was conducted within a 53-hectare area proposed for construction of the proposed Mitchell Landfill. Field investigations, which consisted of pedestrian survey and shovel probe excavation, resulted in the identification of six new archaeological sites (46MR160, 46MR161, 46MR162, 46MR163, 46MR164 and 46MR167) and two isolated finds (46MR165 and 46MR166). We concur that 46MR160, 46MR161, 46MR162, 46MR163 and 46MR167 lack integrity and are not eligible for inclusion in the National Register of Historic Places.

Based on information in the report, it is our understanding that sites 46MR160, 46MR161, 46MR162, 46MR163 and 46MR167 consist of scatters of historic period artifacts. Isolated finds 46MR165 and 46MR166 consist of a single artifact each recovered from surface contexts. With the exception of 46MR167 and the isolated finds, the sites appear to be associated with former structures, the locations of which fall outside of the proposed project area. With the exception of 46MR160, the sites are low density. Diagnostic artifacts recovered from 46MR160, 46MR161, 46MR163 and 46MR167 indicate long occupation spans or periods of use, but did not produce evidence of stratified deposits. In addition, none of the sites appear to include associated cultural features. As a result, we concur that these resource lack research potential and are not eligible for inclusion in the National Register of Historic Places. No further work is necessary for these sites and isolated finds.

Site 46MR164 consists of a high density scatter of historic period artifacts associated with a well, possible privy and an extant farmstead. Recovered diagnostic artifacts date from the mid-nineteenth through the twentieth century. We concur that this site may be capable of providing significant information about West Virginia's history and should be avoided by the proposed project. If avoidance is not possible, then a Phase II evaluation should be conducted to determine the site's eligibility for inclusion in the National Register of Historic Places. Please indicate in writing whether the site will be avoided.

Finally, per our digital format policy (see enclosed), which has been in effect since April 2010, we request that you submit hard copies of the site forms as well as a copy of the report and each form on a CD in PDF format.

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Failure to do so for future reports will result in a delay in the review of that report until the appropriate PDF files have been received for our records.

Architectural Resources:

After review of the submitted report, it is our understanding that two architectural resources were found to be located within the project's Area of Potential Effect(APE), a 1940s Ranch house located at 145 Gatts Ridge Road and a 1850s-1860s farmhouse located at 146 Gatts Ridge Road(Cooper/Gatts House). It is your opinion that 145 Gatts Road is not eligible for inclusion in the National Register of Historic Places. We concur with this assessment. No further consultation regarding this resource is necessary. It is your opinion that the Cooper/Gatts House, or 146 Gatts Ridge Road, is eligible for inclusion in the National Register of Historic Places under Criteria A and C. We concur with this assessment.

We request that an assessment of effect be completed to determine the impact the proposed landfill will have on this historic resource. The assessment should take into consideration both direct and indirect effects, i.e. visible, seismic and audible impacts. We will provide further comment upon receipt of the requested information.

Cemetery Resources:

It is our understanding that there is one cemetery (46MR168) located within the APE of the proposed project. Your findings indicate that the cemetery is not eligible for inclusion in the National Register of Historic Places. We concur with this assessment. No further consultation regarding this resource is necessary.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the permit conditions, please contact Lora A. Lamarre-DeMott, Senior Archaeologist or Aubrey Von Lindern, Historian, at (304) 558-0240.*

Sincerely,



Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LAL/ACV

enclosure