

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 6/13/2013

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Memorandum of Agreement

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into a Memorandum of Agreement among U. S. Garrison-Redstone Arsenal, Alabama, The Alabama State Historic Preservation Officer, The Advisory Council for Historic Preservation, The City of Huntsville, and L. W. Redstone Company, L.L.C. regarding Construction of the Redstone Gateway Development, Project No. 65-13-SP36

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Memorandum of Agreement with Redstone Arsenal, Alabama State Historic Preservation Office (SHPO), L. W. Redstone, and the Advisory Council on Historic Preservation for the data recovery, documentation, and curation of found artifacts on a portion of the Redstone Gateway Project.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Kathryn Marti

Date: 5/29/13

revised 3/12/2012

to put paper

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **6/13/2013**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Memorandum of Agreement**

Document Name: **Redstone Gateway Development Project No 65-13-SP36**

City Obligation Amount: **0**

Total Project Budget: **0**

Uncommitted Account Balance: **0**

Account Number: **N/A**

Procurement Agreements

Not Applicable	Not Applicable
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Grant-Funded Agreements

Not Applicable	Grant Name:
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Department	Signature	Date
1) Originating	<i>Kathy Martin</i>	<i>5/29/13</i>
2) Legal	<i>Mary Gates</i>	<i>6/6/13</i>
3) Finance	<i>[Signature]</i>	<i>6/4</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-

WHEREAS the City Council of the City of Huntsville, Alabama, does hereby declare in accordance with Code of Alabama (1975) that the Mayor be, and is hereby authorized to enter into a Memorandum of Agreement among U. S. Army Garrison-Redstone Arsenal, Alabama, The Alabama State Historic Preservation Officer, The Advisory Council for Historic Preservation, The City of Huntsville, and L. W. Redstone Company, L.L.C regarding Construction of the Redstone Gateway Development, Project No. 65-13-SP36, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said Memorandum of Agreement is substantially in words and figures similar to that certain document attached hereto and identified as a "Memorandum of Agreement among U. S. Army Garrison-Redstone Arsenal, Alabama, The Alabama State Historic Preservation Officer, The Advisory Council for Historic Preservation, The City of Huntsville, and L. W. Redstone Company, L.L.C regarding Construction of the Redstone Gateway Development, Project No. 65-13-SP36, consisting of eleven (11) pages plus forty-six (46) additional pages consisting of Attachments A-L2 and the date of June 13, 2013, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 13th day of June, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 13th day of June, 2013.

Mayor of the City of Huntsville,
Alabama

**MEMORANDUM OF AGREEMENT
AMONG
US ARMY GARRISON – REDSTONE ARSENAL, ALABAMA,
THE ALABAMA STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL FOR HISTORIC PRESERVATION,
THE CITY OF HUNTSVILLE, AND
LW REDSTONE COMPANY, LLC
REGARDING
CONSTRUCTION OF THE REDSTONE GATEWAY DEVELOPMENT
REDSTONE ARSENAL, ALABAMA
MOA-10229-201**

WHEREAS, US Army Garrison Redstone Arsenal, Alabama, (hereafter "Redstone Arsenal,") has leased 468 acres of Redstone Arsenal property to LW Redstone Company LLC (hereafter "L.W. Redstone") to develop additional office, retail, research and development, hotel and conference facilities and associated utilities and roads known as Redstone Gateway Development (Project) on the north end of Rideout Road, Redstone Arsenal, Alabama (Attachment A) to support the expanding mission requirements resulting from the Base Realignment and Closure Act (BRAC) decisions of 2005; and

WHEREAS, the lease was executed on July 16, 2009 through a 50-year Enhanced Use Lease (EUL) program pursuant to 10 U.S.C. § 2667, Leases: Non-excess properties of military departments, thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, over 800 acres of Redstone Arsenal property was annexed on April 8, 2010 into the City of Huntsville's municipal boundaries allowing the City of Huntsville to perform horizontal construction to finish the land for vertical development within the Redstone Gateway; and

WHEREAS, the primary Area of Potential Effect (APE) for this project includes all areas of construction for the Redstone Gateway, any associated infrastructural improvements, and areas directly impacted by the alteration of any Army facilities to make way for the development of the EUL. The primary APE is defined as the north 1.8 miles of Rideout Road and all of the 470 acres contained within the EUL including in Township 4 South, Range 1 West, the southwest ¼ of Section 7, most of the west ½ of Section 18, and most of the northeast quarter of Section 19. The APE will include an access control fence excluding the EUL parcel west of Rideout Road from the secure portion of Redstone Arsenal. The secondary APE includes a 2.5 mile radius around the EUL with areas potentially affected by the view shed (Attachment B); and

WHEREAS, Redstone Arsenal has determined that the undertaking will have an adverse affect on archaeological site 1MA639, a large historic plantation site with intact

19th through early 20th century deposits (Attachment C), which is eligible under Criterion D for listing in the National Register of Historic Places (NRHP) based on Phase II evaluations conducted in 2006 and 2010, and has consulted with the Alabama State Historic Preservation Office (ALSHPO) (Attachment D-1, D-2, and D-3) pursuant to 36 C.F.R. Part 800; and

WHEREAS, Redstone Arsenal has consulted with the Alabama-Coushatta Tribe of Texas, the Choctaw Nation, the Chickasaw Nation, and the Muscogee (Creek) Nation for which the lands of Redstone Arsenal have religious and cultural significance and discussed the undertaking in a consultation meeting on November 3 and 4, 2010 and invited the tribes to comment on the undertaking; and

WHEREAS, the Alabama-Coushatta Tribe of Texas, the Choctaw Nation, the Chickasaw Nation, and the Muscogee (Creek) Nation declined to comment on the undertaking in the November 3 and 4, 2010 meeting; and

WHEREAS, Redstone Arsenal sent notification of the undertaking to federally-recognized Indian tribes (Tribes) for which the APE has religious and cultural significance (Attachment E) in a letter dated June 5, 2012, and invited the Tribes to comment on the undertaking (Attachment F); and

WHEREAS, the Chickasaw Nation and the Cherokee Nation commented on the undertaking (Attachment G-1 and G-2) stating that they concurred with Redstone Arsenal's determination; and

WHEREAS, Redstone Arsenal consulted with LW Redstone and the City of Huntsville regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as invited signatories; and

WHEREAS, Redstone Arsenal consulted with the Huntsville-Madison County Historical Society, the Historic Huntsville Foundation, the Madison Station Historical Preservation Society, and descendants of former owners of the plantation and invited them to sign this MOA as concurring parties, and all requested to be kept up-to-date on the work at 1Ma639 but declined to sign this MOA as concurring parties; and

WHEREAS, by letter dated August 10, 2010, Redstone Arsenal notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation and invited them to participate in the development of this MOA pursuant to 36 C.F.R. § 800.6(a)(1), and the ACHP notified the Secretary of the Army of their intention to be an active participant in this consultation in a letter dated January 25, 2011(Attachments H-1 and H-2) pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

WHEREAS, Redstone Arsenal conducted Phase II evaluations on the four known archaeological sites within the APE and found that only one, Site 1Ma639, met the criteria for listing on the NRHP; and

WHEREAS, to fulfill requirements of 36 C.F.R. § 800.6(a)(4) and 36 C.F.R. § 800.11(f), Redstone Arsenal solicited the views of the public by public announcement (Attachment I) in local newspapers on November 7, 2012 and by placing a draft copy of this MOA in the Redstone Arsenal Public Affairs Office and on the Redstone Arsenal website, and no public comments were received; and

WHEREAS, a research design for data recovery (Attachment J) was prepared in September of 2010, reviewed by Redstone Arsenal, and concurred with by ALSHPO on February 29, 2012 (Attachment D-3); and

NOW THEREFORE, Redstone Arsenal, the ALSHPO, the ACHP, the City of Huntsville, and LW Redstone agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

Redstone Arsenal shall ensure that the following measures are carried out:

I. PROFESSIONAL STANDARDS AND QUALIFICATIONS .

All historic preservation work carried out pursuant to this MOA will be performed by or under the direct supervision of a person or persons meeting, at a minimum, the Secretary of the Interior's Professional Qualification Standards for History, Architectural History and Archaeology as appropriate (48 FR 44738-9). Preservation professionals responsible for carrying out the historic and archaeological documentation covered by this MOA shall meet the Secretary of Interior's Standards (48 FR 44739) and the professional requirements set forth in the Alabama Historical Commission's Policy for Archaeological Survey and Testing in Alabama, (Alabama Historical Commission 2002).

II. ARCHAEOLOGICAL DATA RECOVERY

A. The data recovery at 1Ma639 will be conducted in accordance with the Data Recovery Plan (Attachment J) on those portions of the site that will be impacted by the undertaking.

B. The City of Huntsville and LW Redstone will complete data recovery at 1Ma639 within 15 years of execution of this MOA assuring that provisions of the Data Recovery Plan are carried out.

C. When all fieldwork specified in the Data Recovery Plan is complete, the City of Huntsville and L.W. Redstone shall submit a Management Summary to Redstone Arsenal and ALSHPO within 120 calendar days of completion of fieldwork. Redstone Arsenal will notify the other consulting parties by email of the fieldwork completion and will make the Management Summary available to any other consulting party upon request.

D. The data recovery field work on 1Ma639 may be done in increments at the discretion of LW Redstone to facilitate construction schedules, but a management summary must be submitted for each increment, and no more than one year may pass from the submittal of a management summary for one increment to the resumption of field work on the next increment.

E. All additional reports stemming from the field work will be completed in accordance with Stipulation VII(D).

III. LIMITATIONS FOR AVOIDED PORTIONS OF SITE 1MA639

At the discretion of LW Redstone, portions of Site 1Ma639 may be avoided by the undertaking. These avoided portions of 1Ma639 will not need to be subjected to data recovery as long as the following stipulations are adhered to.

A. Any portions of site 1Ma639 which are not included within the area subjected to data recovery may not undergo any sort of disturbance below the level of the ground without consultation with the Redstone Arsenal Cultural Resource Manager (CRM).

B. Archaeological features that extend above the surface of the ground in the area of site 1Ma639 that is excluded from the data recovery will not be disturbed, damaged, or impacted in any way without consultation with the Redstone Arsenal CRM and the ALSHPO.

C. Any removal of vegetation on the portion of site 1Ma639 which is not included in the data recovery must be done in accordance with the Redstone Arsenal Standard Operating Procedure (SOP) for Selective Logging and Timber Maintenance on NRHP Eligible Archaeological Sites (Attachment K).

D. Measures may be taken on certain archaeological features in the area of site 1Ma639 that is excluded from the data recovery, to reduce hazards that those features might pose to public safety. These measures will be taken only after consultation with the Redstone Arsenal CRM and the ALSHPO.

IV. POST-REVIEW DISCOVERIES

A. If any potential historic properties are discovered in the Primary APE during construction in the development of the EUL outside the boundaries of archaeological site 1Ma639, all work activities in the vicinity of the discovery (within a minimum of 50 feet) around the area of the discovery shall cease immediately, and the Redstone Arsenal CRM shall be notified. The CRM will notify the ALSHPO, as well as interested Native American tribes, within 48 hours of notification in accordance with the procedures in 36 C.F.R. § 800.13(b)(3) and consider any input provided.

B. If any unanticipated adverse effects to historic properties as a result of the undertaking are discovered, all work activities causing the unanticipated adverse effect shall cease immediately, and the Redstone Arsenal CRM shall be notified. The CRM will notify the ALSHPO, as well as interested Native American tribes, within 48 hours of notification in accordance with the procedures in 36 C.F.R. § 800.13(b)(3) and consider any input provided.

C. If, as a result of an inadvertent discovery on additional portions of the primary APE outside archaeological site 1Ma639, Phase II testing is necessary, L.W. Redstone and the City of Huntsville will ensure development of reports within six months of completion of field investigations at each inadvertent discovery to identify the presence or absence of potential historic properties. The reports will be submitted to Redstone Arsenal. Redstone Arsenal will then submit copies of the draft technical reports to the signatories of this MOA (except the ACHP) within 30 calendar days of receipt of the reports for review. The draft technical reports shall be consistent with the

standards outlined in Alabama Policy for Archaeological Survey and Testing in Alabama (Alabama Historical Commission 2002). LW Redstone and the City of Huntsville shall ensure that the draft reports are revised to reflect any comments from Redstone Arsenal or ALSHPO within one month of receipt. The signatories (except the ACHP) shall have 30 calendar days from the receipt of the drafts to review and comment. Comments shall be taken into consideration during revision of the draft report and preparation of the final report. Comments not addressed in revision will be addressed by letter or other written correspondence. Within six months of finalization of the draft Phase II report, Redstone Arsenal shall provide one bound copy of the final technical report of Phase II testing to the ALSHPO.

V. PROCEDURES FOR TREATMENT OF HUMAN REMAINS

A. The procedures for the treatment of known and future discoveries of prehistoric or historic Native American human remains within the primary APE will be carried out according to the attached Burial Treatment Protocol (Attachment L-1), and The Inter-Tribal Council Of The Five Civilized Tribes Organized February 3, 1950, Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations NAGPRA Policy Statement (Attachment L-2).

B. If non-Native American historic human remains are encountered during the course of development of the EUL within the primary APE, the Redstone Arsenal CRM and Army Criminal Investigation Command (CID) will be contacted immediately. Redstone Arsenal will then consult with the ALSHPO to determine appropriate treatment of the remains within two weeks of the discovery.

VI. PUBLIC EDUCATION

A. Redstone Arsenal will submit in writing a request to the City of Huntsville for use of the report or information contained there-in within one year after finalization of the report. The City of Huntsville will respond in writing to the request within two weeks of receiving the request.

B. Redstone Arsenal will develop an informational exhibit to present the findings of the data recovery to the public within one year of receiving the final data recovery report.

C. Upon finalization of the data recovery report, Redstone Arsenal will present a copy of the report to the Huntsville-Madison County Public Library Heritage Room and the Madison Branch of the public library within six months of receipt of the data recovery report.

VII. MONITORING AND REPORTING

A. LW Redstone and the City of Huntsville will notify the Redstone Arsenal

CRM of their start date for the data recovery work at least 30 calendar days prior to the initiation of field work.

B. Redstone Arsenal will update consulting parties, except the ACHP, on the data recovery by email or phone no later than December 1st of each year of fieldwork during the data recovery field work and laboratory analysis.

C. LW Redstone and the City of Huntsville shall ensure that all archaeological reports resulting from actions pursuant to this MOA are provided to the signatories, except the ACHP.

D. LW Redstone and the City of Huntsville shall submit a draft report of the data recovery to Redstone Arsenal for review no later than one year after completion of the field work.

E. LW Redstone and the City of Huntsville shall submit 10 copies of the final report to Redstone Arsenal no later than one year after Redstone Arsenal submits comments on the draft report.

F. Within one year of finalization of draft report, Redstone Arsenal shall provide one bound copy of the final technical report of the Data Recovery to the ALSHPO.

X. CURATION

A. All artifacts recovered and records generated in the course of the data recovery shall be property of Redstone Arsenal.

B. LW Redstone and the City of Huntsville will ensure that all recovered artifacts are stabilized and processed for curation at the University of Alabama Erskine Ramsey Archaeological Repository, Moundville, Alabama with all previous archaeological collections recovered from Redstone Arsenal. The Erskine Ramsey Archaeological Repository meets professional curation standards as established in 36 C.F.R. Part 79.

C. Copies of all records, including but not limited to field notes, maps, catalogue sheets, and representative photographs and negatives shall be submitted for curation with the artifacts.

D. Documentation that the repository has received these materials will be supplied by LW Redstone and the City of Huntsville to Redstone Arsenal, within three months of curation.

XI. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions

proposed or the manner in which the terms of this MOA are implemented, Redstone Arsenal shall consult with such party to resolve the objection. If Redstone Arsenal determines that such objection cannot be resolved, Redstone Arsenal will:

A. Forward all documentation relevant to the dispute, including Redstone Arsenal's proposed resolution, to the ACHP. The ACHP shall provide Redstone Arsenal with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, Redstone Arsenal shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. Redstone Arsenal will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the 30 calendar day time period, Redstone Arsenal may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Redstone Arsenal shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. Redstone Arsenal's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.

XII. AMENDMENT

Any signatory to this MOA may request in writing that the MOA be amended or modified at any time, whereupon the signatories will consult with each other to consider such amendment or modification. Any such amendment or modification must be agreed to by all signatories and shall be in writing. The amended MOA will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XIII. TERMINATION

A. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII, above. If within 120 calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate this MOA upon written notification to the other signatories. Once this MOA is terminated, and prior to work continuing on the portions of the undertaking that would directly affect a historic property, Redstone Arsenal must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Redstone Arsenal shall notify the signatories as to the course of action it will pursue.

B. Upon termination of this MOA, work on the undertaking may continue in those areas that will not have a direct adverse effect on a historic property.

XIV. DURATION

A. This MOA shall take effect on the last date it is signed by all signatory parties and will expire if its stipulations are not carried out by December 31 2027.

B. The signatories will reconvene every five years after signing of this MOA to ensure that the stipulations of this MOA are being met. Redstone Arsenal will contact the signatories to arrange the meeting.

XVIII. ANTI-DEFICIENCY ACT COMPLIANCE

The stipulations of this agreement are subject to the provisions of the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act alters or impairs Redstone Arsenal's ability to implement the stipulations of this agreement, Redstone Arsenal will consult in accordance with the amendment and termination procedures found in Stipulations XII and XIII of this MOA.

XIX. EXECUTION

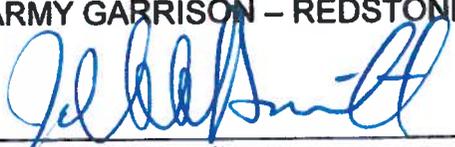
Execution of this MOA by Redstone Arsenal, the ALSHPO, the ACHP, the City of Huntsville, and LW Redstone and implementation of its terms evidence that Redstone Arsenal has taken into account the effects of the undertaking on historic properties and afforded the ACHP an opportunity to comment.

**MEMORANDUM OF AGREEMENT
AMONG
US ARMY GARRISON – REDSTONE ARSENAL, ALABAMA,
THE ALABAMA STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL FOR HISTORIC PRESERVATION,
THE CITY OF HUNTSVILLE, AND
LW REDSTONE COMPANY, LLC
REGARDING
CONSTRUCTION OF THE REDSTONE GATEWAY DEVELOPMENT
REDSTONE ARSENAL, ALABAMA
MOA-10229-201**

SIGNATORIES:

US ARMY GARRISON – REDSTONE ARSENAL

By: _____


John S. Hamilton
Colonel, US Army
Garrison Commander

Date: _____

3/8/13

ALABAMA STATE HISTORIC PRESERVATION OFFICER

By: _____

Elizabeth Brown
Deputy State Historic Preservation Officer

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG
US ARMY GARRISON – REDSTONE ARSENAL, ALABAMA,
THE ALABAMA STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL FOR HISTORIC PRESERVATION,
THE CITY OF HUNTSVILLE, AND
LW REDSTONE COMPANY, LLC
REGARDING
CONSTRUCTION OF THE REDSTONE GATEWAY DEVELOPMENT
REDSTONE ARSENAL, ALABAMA
MOA-10229-201**

THE CITY OF HUNTSVILLE

By: _____
Tommy Battle
Mayor

Date: _____

LW REDSTONE COMPANY, L.L.C.

By: _____
Wayne H. Lingafelter
Executive Vice President
COPT Development & Construction Services, LLC

Date: _____

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____
John M. Fowler
Executive Director

Date: _____

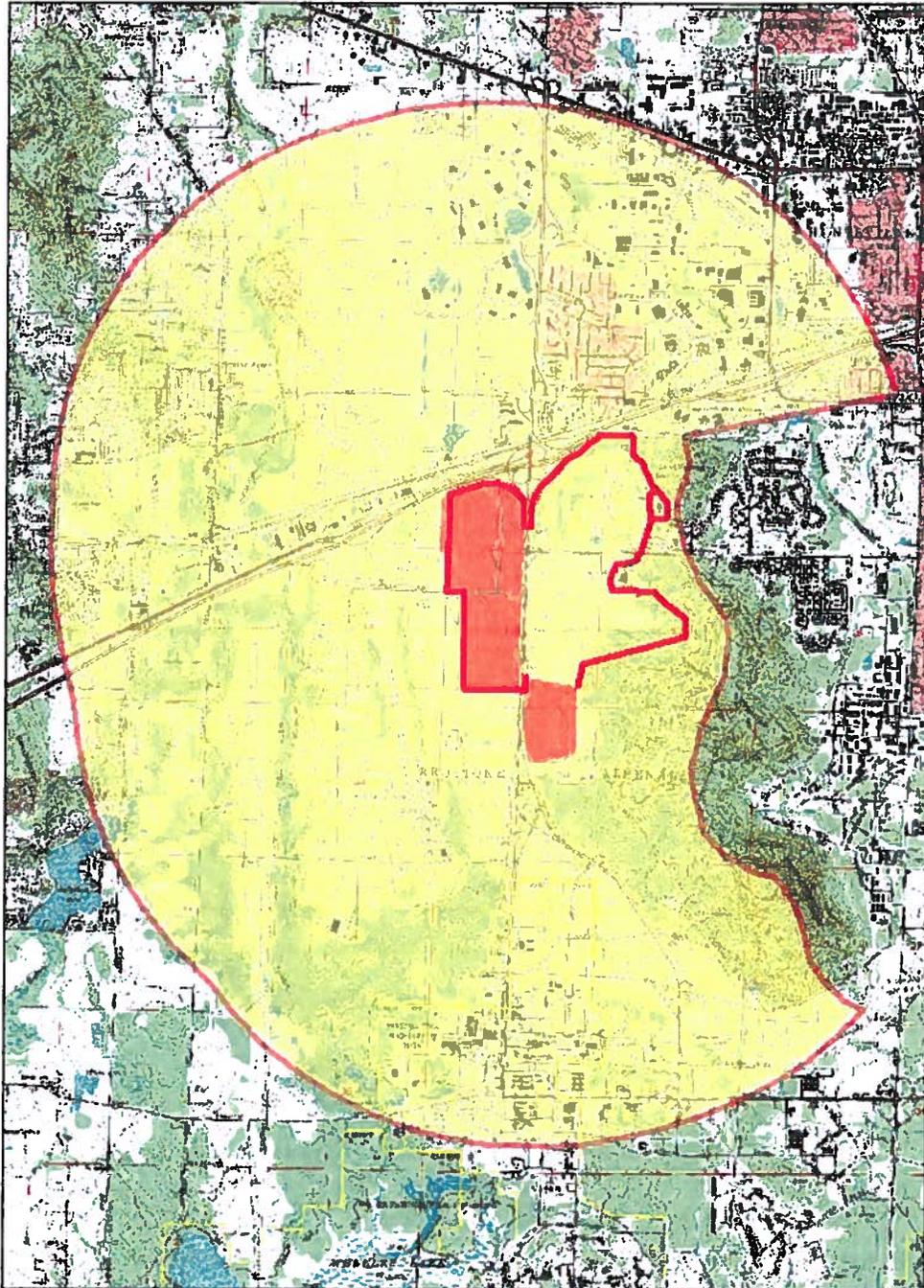
ATTACHMENT A

Redstone Gateway Development Master Plan Map July 29, 2011



ATTACHMENT B

Areas of Potential Effect for Construction of the Redstone Gateway Development



Red lines and red highlighting show the area that will be directly impacted, while yellow highlighting marks the area assessed for view shed impacts.

ATTACHMENT D-1

Letter of Concurrence from ALSHPO for the Phase I Survey



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
1000 UNIVERSITY BLVD, SUITE 100
MONTGOMERY, ALABAMA 36103-0001

Terry W. Hazle
Environmental Management Division

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

June 20, 2011

Terry W. Hazle
Environmental Management Division
Headquarters, US Army Garrison, Redstone
4488 Martin Road
Redstone Arsenal, Alabama 35898-5000

Re: AHC 11-0645
Redstone Gateway EUL Development
Madison County, Alabama

Dear Mr. Hazle:

Upon review of the information forwarded by your office, we have recently agreed with the supplemental Phase II proposals for archaeological site 1Ma639. We await the completion of this investigation before considering further investigations at this site. For the remainder of the proposed development there should be no affect to archaeological resources listed on or eligible for the National Register of Historic Places (NRHP). Regarding historic resources within the area of potential effect, the battlefield may need a NRHP nomination as well as an expansion or NHRP district nomination for Langford. Finally, will there be any vegetative screening put in place to lessen or eliminate the projects visual affect on the NRHP eligible properties?

We appreciate your efforts on this project. Should you have any questions, please contact Joseph Glazer at (334) 230-2653. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

A handwritten signature in blue ink that reads "Elizabeth Ann Brown".

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/RJG/GCR/gcr

ATTACHMENT D-2

Letter of Concurrence from ALSHPO for the Phase II Evaluation

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

September 16, 2010

TPL: 334-242-3184
FAX: 334-242-3477

Daniel Cassedy, Ph.D.
URS Corporation
1600 Perimeter Park Drive
Suite 400
Morrisville, North Carolina 27560

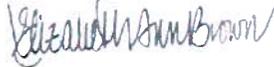
Re: AHC 00-0752 -- 06-0631
Phase II Report for I Ma639
Redstone Arsenal
Madison County, Alabama

Dear Dr. Cassedy:

Upon review of the excellent Phase II report submitted by your office, we have determined that we agree with your findings. Site I Ma639 is eligible for the National Register of Historic Places (NRHP) and should be avoided. This includes both the wooded portion of the site and the portion of the site in the plowed field. If avoidance is not feasible, Phase III Data Recovery proposals should be developed in consultation with our office. Finally, we agree with the proposed reduction of the site boundary based upon the Phase II testing.

We appreciate your efforts on this project. Should you have any questions, please contact Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,



Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/SGH/gcr

ATTACHMENT D-3

Letter of Concurrence from ALSHPO for the Data Recovery Plan



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
46850 JEFFERSON STREET
MONTGOMERY, ALABAMA 36130-0000

FRANK W. WHITE
EXECUTIVE DIRECTOR

TEL: 334.242.3154
FAX: 334.240.3477

February 29, 2012

Ben Hoksbergen
Headquarters, U.S. Army Garrison, Redstone
4488 Martin Road
Redstone Arsenal, Alabama 35898-5000

Re: AHC 06-0631
Research Design for Data Recovery
Archaeological Site IMA639
Redstone Arsenal
Madison County, Alabama

Dear Mr. Hoksbergen:

Upon review of the Phase III Data Recovery proposals submitted by Tennessee Valley Archaeological Research (TVAR), we have determined that the research design is reasonable and appropriate. Therefore, data recovery may proceed. As a portion of the project area originally scheduled for data recovery has been removed from the development area, we will need an avoidance plan developed for this area. Please submit this at your earliest convenience. Finally, regarding the development of the Memorandum of Agreement (MOA) we will forward examples of Inadvertent Discovery, Human Remains, and Public Outreach clauses shortly.

We appreciate your continued efforts on this project and we look forward to working with you to its conclusion. Should you have any questions, please contact Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

A handwritten signature in cursive script, appearing to read "Elizabeth Ann Brown".

Elizabeth Ann Brown
Deputy State Historic Preservation Officer
EAB/SGH/GCR/gcr

ATTACHMENT E

17 Federally Recognized Tribes Sent Letters

Absentee-Shawnee Executive Committee
Eastern Shawnee Tribe of Oklahoma
Shawnee Tribe
Alabama-Coushatta Tribe of Texas
Alabama-Quassarte Tribal Town
Cherokee Nation
Eastern Band of Cherokee Indians
United Keetoowah Band of Cherokee Indians
Chickasaw Nation
Coushatta Tribe
Choctaw Nation of Oklahoma
Muskogee (Creek) Nation of Oklahoma
Thlopthlocco Tribal Town
Kialegee Tribal Town
Poarch Band of Creek Indians
Seminole Nation of Oklahoma
Tunica-Biloxi Indian Tribe of Louisiana

ATTACHMENT F

Notification Letter Sent from Redstone Arsenal to Tribes



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, REDSTONE
4488 MARTIN ROAD
REDSTONE ARSENAL, ALABAMA 35898-5000

REPLY TO
ATTENTION OF

JUN 05 2012

Directorate of Public Works

Honorable Earl J. Barbry, Sr.
Chairman, Tunica-Biloxi Indian Tribe
PO Box 1589
Marksville, LA 71355

Dear Mr. Barbry:

The purpose of this letter is to inform the Tunica-Biloxi Indian Tribe of an anticipated adverse effect to a historic property on Redstone Arsenal in Huntsville, Alabama. In compliance with Section 106 of the National Historic Preservation Act and per the suggestion of the Advisory Council on Historic Preservation, we are notifying you of this undertaking so that you may have the opportunity to comment on its effect on cultural resources.

It has become necessary to construct additional office, research and development facilities in order to support the growing infrastructural needs of Redstone Arsenal as a result of the Base Realignment and Closure Act of 2005. Redstone Arsenal has opted to fund this construction as a 50-year Enhanced Use Lease (EUL) to L. W. Redstone Company LLC, a private partnership between Corporate Office Properties Trust and Jim Wilson & Associates. The Army will retain ownership of the land, and control of the land will revert to the Army after 50 years. This development was covered in an Environmental Assessment, dated October 2008.

This Redstone Gateway Development will include construction on 470 acres. Buildings including around 4.6 million square feet of offices, retail stores, research and development laboratories, classrooms and conference space, as well as hotels, will be constructed, as well as associated infrastructure including bio-retention ponds, utilities and roads (Enclosure 1). Most of the office buildings will be between one and four stories tall, but the two hotels may be as much as ten stories tall. In addition, the Redstone Arsenal Visitor's Center and Gate 9 will be moved approximately 1.8 km south with expanded lanes to accommodate additional traffic. The Redstone Arsenal security fence will be moved to exclude the northern 385 acres of the EUL from the secure portion of the Installation. All of these projects are included within the area of potential effect for the undertaking. L. W. Redstone Company LLC intends to complete the construction in phases over the next 15 years. The initial phase of construction will focus on the north end of the EUL area.

The primary area of potential effect was surveyed for historic properties as part of four surveys conducted during Redstone Arsenal's program to inventory all the archaeological resources on the entire Installation. Four of the sites (1Ma640, 1Ma852, 1Ma853 and 1Ma1526) were found to have poor integrity and insufficient intact cultural deposits to be considered for listing on the National Register of Historic Places. The remaining four (1Ma501, 1Ma639, 1Ma850 and 1Ma844) were considered to have the potential to yield significant information relevant to the components represented. The Alabama State Historic Preservation Office concurred in writing with the findings of the surveys.

During the planning phase for the EUL, these four sites underwent Phase II testing to evaluate their National Register of Historic Places eligibility. Site 1Ma639 was found to contain sufficient integrity and significant intact deposits to be considered eligible for listing on the National Register of Historic Places. The Alabama State Historic Preservation Office concurred in writing with the findings of the Phase II evaluations.

Subsequent survey of a 2.5 mile radius around the proposed development area for view-shed impacts resulting from construction of the development found that no additional historic properties would be impacted by the development (Enclosure 2).

Historic archaeological site 1Ma639 is located on land owned by the US Army on the northern portion of this proposed development. Site 1Ma639 is the location of a historic plantation which operated from the early 19th century to 1941 when the Army acquired the land. The site has undergone Phase II evaluation and has been determined to be eligible for listing on the National Register of Historic Places based on Criterion D. Construction of this development is an undertaking as defined by the National Historic Preservation Act (16 USC 470 et seq.). The undertaking will require extensive ground disturbance within the area of potential effect for the EUL, and will be an adverse effect to archaeological site 1Ma639 under Section 106 of the National Historic Preservation Act (36 CFR Part 800).

Redstone Arsenal has been engaged in consultation with the Alabama State Historic Preservation Office, as well as the Advisory Council on Historic Preservation, descendants of families who historically occupied the site and three local historical societies that have an interest in the site. A letter including a summary of the undertaking was sent to all 17 tribes prior to a consultation meeting with the tribes on November 3, 2010. The undertaking was thoroughly discussed in the consultation meeting, but did not at that point include the 2.5 mile radius area of potential effect for view-shed.

In consultation between the Alabama State Historic Preservation Office and Redstone Arsenal, both parties concluded that data recovery was an appropriate means of mitigating the impacts to site 1Ma639. A Memorandum of Agreement is being prepared between Redstone Arsenal, the Alabama State Historic Preservation Office, the Advisory Council on Historic Preservation and L.W. Redstone Company LLC.

A copy of this correspondence is being furnished to Mr. Earl J. Barbry Jr., Native American Graves Protection and Repatriation Act Representative of the Tunica-Biloxi Indian Tribe.

My point of contact is Mr. Ben Hoksbergen, Environmental Management Division, Directorate of Public Works, 256-955-6971 or email ben.hoksbergen@us.army.mil.

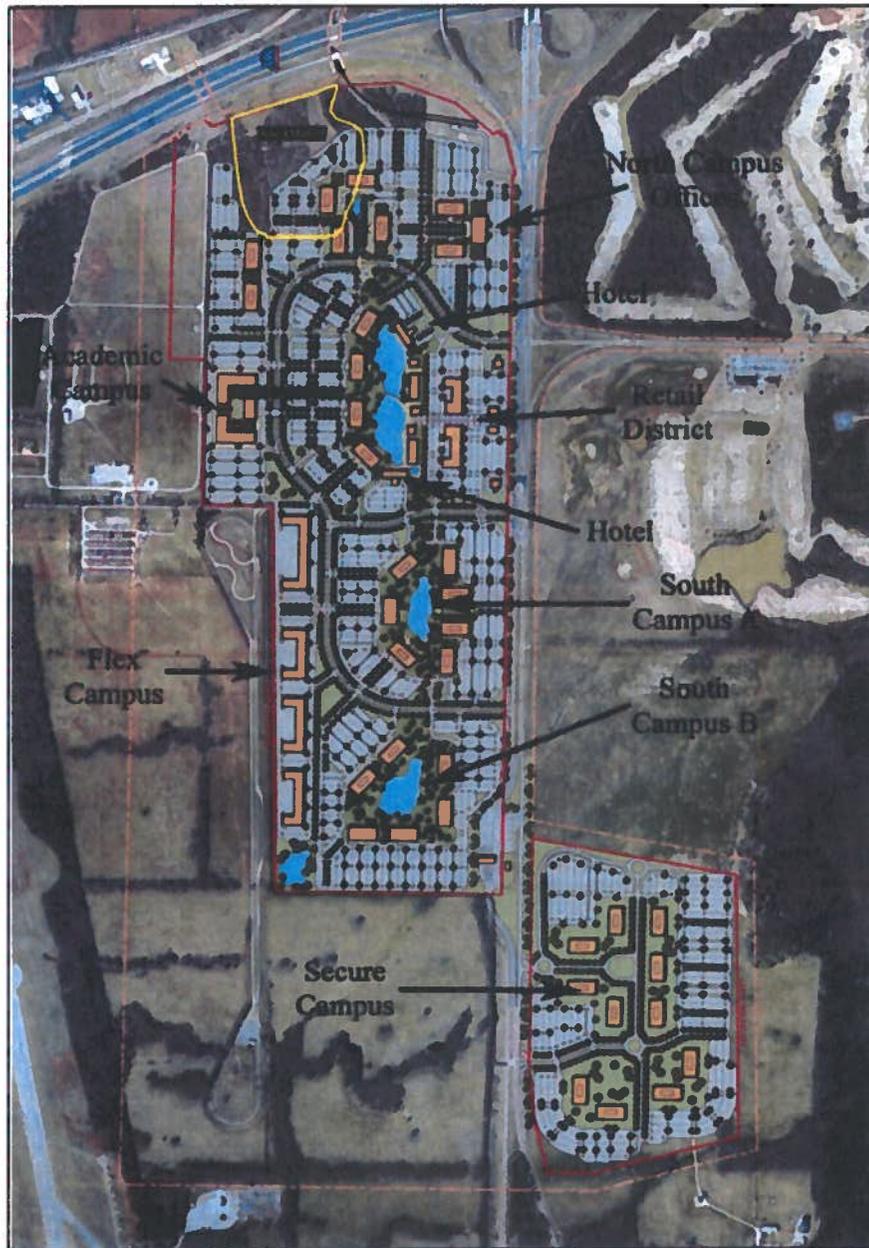
Sincerely,

A handwritten signature in black ink, appearing to read "John S. Hamilton". The signature is written in a cursive style with a large initial "J".

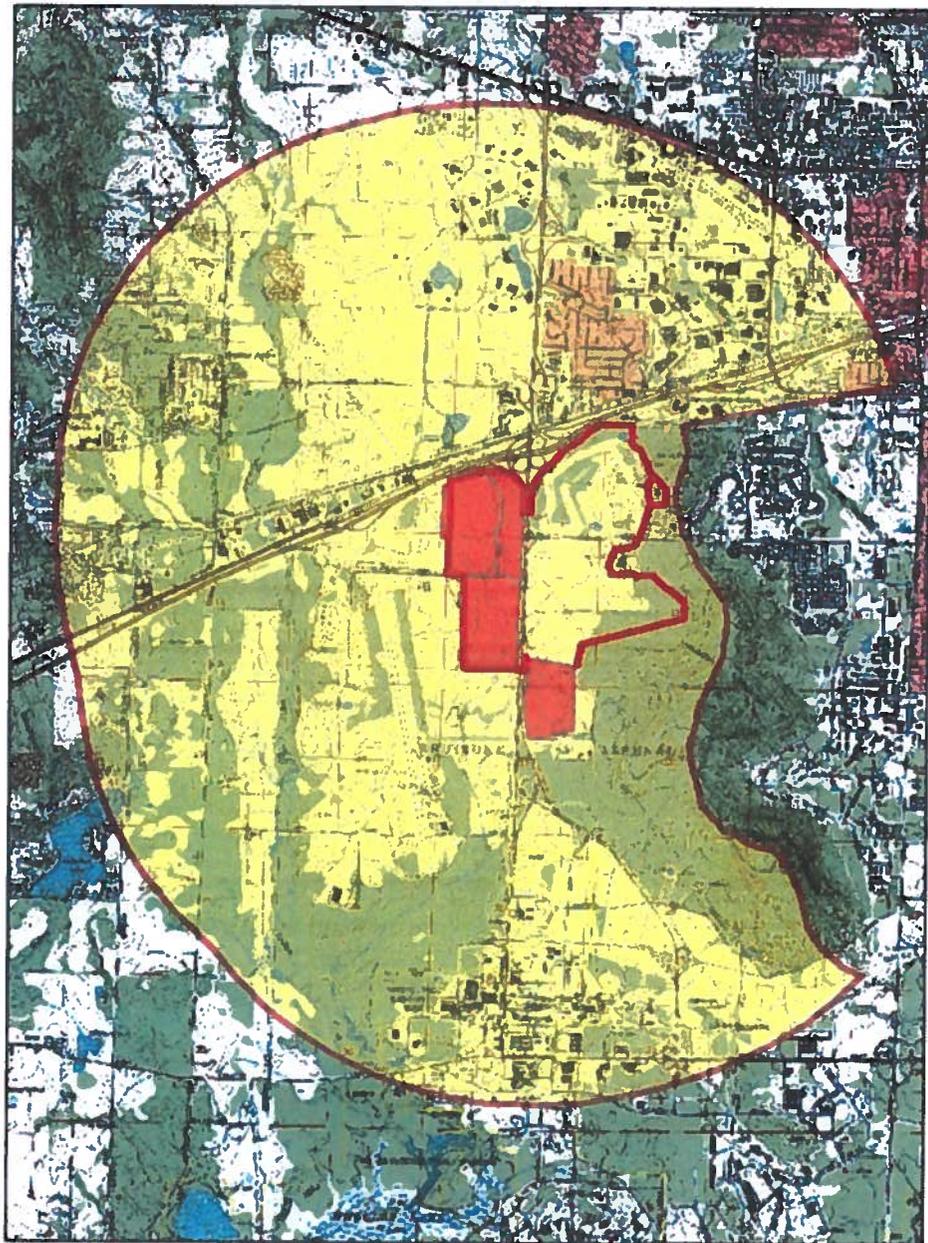
John S. Hamilton
Colonel, US Army
Garrison Commander

Enclosures

Enclosure 1: Redstone Gateway Master Plan Showing Location of Site 1Ma639.



Enclosure 2: Redstone Gateway Primary Area of Potential Effect (red) and Viewshed Area of Potential Effect (yellow).



ATTACHMENT G-1

Letter from Chickasaw Nation to Redstone Arsenal



the
Chickasaw
Nation HEADQUARTERS

Arlington at Mississippi / Box 1548 / Ada, OK 74821-1548 / (580) 436-2603

Bill Anoatubby
Governor

Jefferson Keel
Lieutenant
Governor

July 10, 2012

Mr. Benjamin J. Hoksbergen
Cultural Resource Mgr./Installation Archaeologist
IMRE-PWE-N, Room A-328
4488 Martin Rd.
Redstone Arsenal, AL 35898

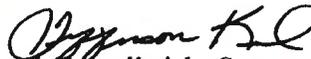
Dear Mr. Hoksbergen:

Thank you for the letter of notification regarding the anticipated adverse effect to Site 1Ma639, a historic property on Redstone Arsenal in Huntsville, Madison County, Alabama.

We have reviewed the information and are in agreement with the assessment and have no objections to the proposed undertakings. However, given our history of consultations with Redstone Arsenal precipitated by inadvertent discoveries of human remains, we are aware of specific culturally significant sites in the locale. Because of these issues we request that special attention be given to the area

In the event the agency becomes aware of the need to enforce other statutes we request to be notified under NEPA, NAGPRA, AIRFA, ARPA, NHPA and Professional Standards. If you have any questions, please contact Ms. Amber Jarrett, preservation and repatriation manager, at (580)559-0825, amber.jarrett@chickasaw.net or Ms. LaDonna Brown, historic preservation officer, at (580)272-5593, ladonna.brown@chickasaw.net.

Sincerely,


Jefferson Keel, Lt. Governor
The Chickasaw Nation



God Bless America!

ATTACHMENT G-2

Email from Cherokee Nation to Redstone Arsenal

Hoksbergen, Benjamin J CIV (US)

From: Richard Allen [Richard.Allen@cherokee.org]
Sent: Monday, July 30, 2012 10:23 AM
To: Hoksbergen, Benjamin J CIV (US)
Subject: FW: Environmental Division
Attachments: Scanned from a Xerox multifunction device001.pdf; ATT00001.txt

The Cherokee Nation has no knowledge of any historic, cultural or sacred sites within the affected area. Should any ground disturbance reveal an archaeological site or human remains, we ask that the all activity cease immediately and the Cherokee Nation and other appropriate agencies be contacted immediately.

Thank you,

Dr. Richard L. Allen
Policy Analyst
NAGPRA/Section 106 Contact
Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465
(918) 453-5466 (office)
(918) 822-2707 (cell)
(918) 458-5898 (fax)

From: Pat Gwin
Sent: Monday, June 11, 2012 4:55 PM
To: Richard Allen
Subject: Fwd: Environmental Division

FYI

Sent from my iPhone

ATTACHMENT H-1

Letter from the Advisory Council on Historic Preservation sent to Redstone Arsenal



Preserving America's Heritage

January 25, 2011

Mr. Terry W. Hazle
Chief
US Army Installation Management Command
Headquarters, United States Army Garrison, Redstone
ATTN: Environmental Management Division
4488 Martin Road
Redstone Arsenal, AL 35898-5000

**Ref: Proposed Redstone Gateway Development Project
Redstone Arsenal, Madison County, Alabama**

Dear Mr. Hazle:

On January 24, 2011, the Advisory Council on Historic Preservation (ACHP) notified the Secretary of the Army that we would be participating in consultation to develop an agreement for the proposed Redstone Gateway Development Project. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within our regulations. The criteria are met for this proposed undertaking because the consultation thus far has presented important questions of policy and interpretation of the ACHP's regulations.

The ACHP is concerned that Redstone Arsenal has focused its Section 106 consultation on the effects of the Enhanced Use Lease (EUL) of approximately 470 acres of undeveloped land on a singular archaeological site, 1Ma639. Per the definition of undertaking in our regulations, the consultation should be focused on the entire EUL and the construction of 4.6 million square feet of offices, retail stores, research and development laboratories, classrooms, conference space, hotels, and associated infrastructure (e.g., roads and utilities). The Area of Potential Effect (APE) identified by Redstone Arsenal is solely focused on the 470 acres to be included in the EUL and the identification of historic properties focused solely on archaeological sites. An APE is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Redstone Arsenal has not provided any information to indicate that other types of historic properties have been identified within the current APE. In addition, it appears Redstone Arsenal has not identified indirect effects, such as audible or visual effects, that new construction may have on historic properties located outside of the 470 acres. From the limited information provided to the ACHP, it appears that the development of these 470 acres will be intensive, and therefore, it is important to ensure that Redstone Arsenal has designated the appropriate APE to the scale and nature of the undertaking.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Given the scope of the 4.6 million square feet of new construction, we also feel that a Memorandum of Agreement (MOA) is not the appropriate instrument to document avoidance, minimization, and mitigation for the undertaking. An MOA is traditionally used for undertakings where the federal agency can identify upfront the project location, scope, schedule, construction details and what effects will be to historic properties. Redstone Arsenal has not demonstrated that it has a clear understanding of the development plan proposed by L.W. Redstone Company LLC, except that the development will happen in phases over a 15 year period and one archaeological site will be directly affected.

In order to ensure successful and comprehensive Section 106 compliance for this action, the ACHP offers Redstone Arsenal the following recommendations:

- Expand the Section 106 consultation to focus on the entire undertaking, the development of 470 acres through an EUL, and not just effects to a singular historic property;
- Expand the APE as appropriate based on the scale and nature of the plans for the property's development (i.e., if the hotel will be eight stories tall are there any historic properties within its viewshed);
- Complete the identification of historic properties within the expanded APE;
- Provide consulting parties with as much information as possible from L.W. Redstone Company on the individual projects to be developed on the property (i.e., offices, retail stores, classrooms, and conference space);
- Develop a Programmatic Agreement (PA) in accordance with 36 CFR § 800.14(b)(3) to address potential adverse effects of the proposed project. That PA should have a duration of at least five years and perhaps as long as the estimated construction phases (i.e., 15 years).

Our participation in this consultation will be handled by Ms. Katharine R. Kerr who can be reached at (202) 606-8534, or via e-mail at kkerr@achp.gov. We look forward to working with your agency and other consulting parties to consider alternatives to this undertaking that could avoid, minimize, or mitigate potential adverse effects on historic properties.

Sincerely,



Caroline D. Hall
Assistant Director
Office of Federal Agency Programs
Federal Property Management Section

ATTACHMENT H-2

Letter from the Advisory Council on Historic Preservation sent to the Secretary of the Army

Milford Wayne Donaldson
Chairman

Susan S. Barnes
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

January 25, 2011

Honorable John McHugh
Secretary of the Army
1400 Defense Pentagon
Washington, DC 20301-1400

Ref: *Proposed Redstone Gateway Development Project
Redstone Arsenal, Madison County, Alabama*

Dear Secretary McHugh:

In response to a notification by the Redstone Arsenal, the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop an agreement document for the proposed Redstone Gateway Development Project, AL. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within our regulations. The criteria are met for this proposed undertaking because the consultation thus far has presented important questions of policy and interpretation of the ACHP's regulations.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Mr. Terry W. Hazle, Chief, Environmental Management Division, Redstone Arsenal, of this decision.

Our participation in this consultation will be handled by Ms. Katharine R. Kerr who can be reached at (202) 606-8534, or via e-mail at kkerr@achp.gov. We look forward to working with your agency and other consulting parties to consider alternatives to this undertaking that could avoid, minimize, or mitigate potential adverse effects on historic properties.

Sincerely,

John M. Fowler
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202 606 8503 • Fax: 202 606-8647 • achp@achp.gov • www.achp.gov

ATTACHMENT I

Public Notice and Comments

The U.S. Army Garrison – Redstone Arsenal, Alabama has leased 468 acres of under-utilized land near Gate 9 along Rideout Road to L. W. Redstone Company LLC as an Enhanced Use Lease (EUL) for the development of the Redstone Gateway office, research and development, and conference park.

This public notice is the first step to ensure that L. W. Redstone is prepared to begin construction on schedule.

The Redstone Gateway EUL development is a priority in order to support the growing infrastructural needs of Redstone Arsenal as a result of BRAC 2005. The undertaking will include moving and expanding Gate 9, moving the railroad spur and electrical substation which are currently located within the lease area, moving the Redstone Arsenal perimeter fence to exclude a portion of the development, construction of around 4 million square feet of office and research space, and modification and construction of infrastructure to support the development. The northern part of the proposed development area includes archaeological site 1Ma639, the historic Oakendale Plantation which operated from around 1820 to when the Army purchased the land in 1942.

The undertaking described above is a Federally sponsored project, and Redstone Arsenal has determined that it will have an adverse effect on archaeological site 1Ma639, a property eligible for listing on the National Register of Historic Places (NRHP). Site 1Ma639 is on Army-owned and managed land. The US Army will be the lead federal agency for this undertaking. In order to better meet their Federal historic preservation responsibilities in managing these properties, as the lead Federal agency, Redstone Arsenal has consulted with the Alabama Historical Commission (AHC), 17 Native American tribes, and the Advisory Council on Historic Preservation (ACHP). The ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties when an undertaking will have an adverse impact to NRHP eligible historic properties. Those regulations are codified under 36 CFR Part 800 (“Section 106 regulations”). Redstone Arsenal and the Alabama State Historic Preservation Officer (ALSHPO) now seek public input on the undertaking. Redstone Arsenal and AHC will take into account this public input prior to signing a Memorandum of Agreement (MOA) for addressing adverse effects to historic properties resulting from construction of the development. Any comments on this undertaking must be received within 30 days of the date of publication of this public notice in the Huntsville Times in order to be considered. The draft MOA is available for review at the Redstone Arsenal Public Affairs Office by contacting Ms. Terri Stover. All comments should be sent to: Ms. Terri Stover, 5300 Martin Road, Building 5300, Room 5143, Redstone Arsenal, AL 35898. It is also available on the Redstone Arsenal Environmental Management Division website www.environmental.redstone.army.mil.

ATTACHMENT J

RESEARCH DESIGN FOR ARCHAEOLOGICAL PHASE III DATA RECOVERY AT 1MA639

Prepared by:

**Tennessee Valley Archaeological Research
2201 Seminole Drive, Suite 302
Huntsville, Alabama 35805**

This document was prepared for the City of Huntsville, Alabama, under contract authorized by Resolution 11-527 and is the sole property of the City. Any use or reuse of this document or the information contained within is prohibited without the written permission of the City Engineer of Huntsville.

December 2011

1. INTRODUCTION

Tennessee Valley Archaeological Research (TVAR) proposes to conduct Phase III archaeological investigations at 1MA639 on Redstone Arsenal in Madison County, Alabama. Site 1MA639 is located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 7, Township 4 South, Range 1 West on the Madison, AL 7.5' USGS topographic quadrangle (Figure 1). Previous investigations have documented evidence of substantial historic occupations dating to the nineteenth and twentieth centuries as well as ephemeral site use by prehistoric Native American populations. Archaeological fieldwork and historic documentation also have facilitated the identification of seventeen locations within the site that contain the remains of historic architectural structures (Figure 2). The site has been recommended as eligible for inclusion in the National Register of Historic Places on the basis of the historic occupations.

A scope of work was prepared by Redstone Arsenal Installation Archaeologist, Benjamin Hoksbergen (2010), which discusses several pertinent research objectives that were important in the development of this research design. With some revisions, primarily concerning hand excavation samples, TVAR concurs that the proposed work set forth in the scope of work is a sound plan for site mitigation and adopts the proposed research objectives and, for a large part, the field methodologies designed for addressing them. For logistical planning, the site has been subdivided into three sections: one in an open field and the other two in wooded areas. The open field requires a different field investigation strategy than that of the forested sections. Hence, this research design specifies the two investigative strategies to accommodate

the differing field conditions (i.e., open field and woods).

A number of previous investigations have focused specifically on 1MA639 or at least mentioned the site during research in the surrounding area (Coco et. al 2005; Curry 2006; Jorgenson and Janowitz 2010; McNutt et. al 1998; Shogren et. al 1998; Trudeau 2006; Watkins 2004). Site 1MA639 encompasses approximately 26 acres and is primarily characterized by the main house, outbuildings, and slave quarters associated with historic Oakendale Plantation. The history of Oakendale directly involved some of Huntsville's founding families, and includes the surnames of Bibb, Bradley, Manning, Lowe, Matthews, Davis, and White among others. Archaeological data and historic document research has identified numerous pieces of information that mimics other African and European American developments through the nineteenth and early twentieth centuries in and around Huntsville and Madison County, Alabama.

Additionally, land use on and around 1MA639 underwent a dramatic transformation with the development of Redstone Arsenal and use by the United States military. Because this land parcel underwent numerous changes throughout the historic period, there are numerous avenues of research to pursue in association with this project. Many of the activities associated with 1MA639 are directly or indirectly associated with the economic development of the City of Huntsville. Research of historic maps, legal records, and other documents will be ongoing throughout the project and will guide field investigations while providing important interpretative contexts for the study. Following Hoksbergen (2010), primary research objectives of this project will center on:

- Early Euro-American settlement in northern Alabama,
- Documenting social dynamics and change that occurred between the Antebellum, Civil War, and Reconstruction periods,
- Agrarian power structures during the Early Twentieth Century in north Alabama,
- Military housing and land use during World War II.

2. FIELD INVESTIGATIONS

As mentioned earlier, the site has been subdivided into three sections: one in an open field and two in wooded sections of the site (see Figure 1). Field tasks for investigating each section are specified below along with details of the field methods that will be adopted to accomplish the fieldwork. The discussions also include estimated numbers of features that may be encountered during the excavations based on earlier testing at the site.

The area of the site lying within the open field, designated Area A, encompasses approximately 53,621 m². Following the required tasks specified in the scope of work (Hoksbergen 2010), the plowzone deposits in 20 percent (10,724 m²) of this area will be mechanically stripped to expose subsurface features. Stripping will focus primarily on areas where previous investigations found the densest concentrations of artifacts, although other areas will be stripped to assure adequate coverage. Given that the Phase II investigations recorded five pit and six posthole features during mechanical stripping of 577 m², an estimated 93 pit and 107 posthole features might be expected in the proposed 20 percent sample to be stripped.

Because shovel testing during previous investigations employed a relatively large interval (i.e., 30 m) between tests, a supplemental Phase II field investigation was conducted at 1MA639 by TVAR to facilitate the construction of a well-informed research design and accompanying budget for archaeological mitigation in the wooded portion of the site (Marshall 2011). This work included 10-m interval shovel testing in the wooded area (Figure 3), mapping of non-indigenous plants (Figure 4), and clearing of vegetation to accommodate fieldwork. Goals of the shovel testing included the generation of empirical data for identifying areas of the site where hand excavations might best be placed for establishing contexts through the recovery of artifacts from general site deposits as well as pinpointing areas warranting mechanical stripping of overlying deposits for exposing intact subsurface features and distinguishing areas that are not likely to yield significant archaeological data pertaining to historic occupations of the site. While more fine-scaled analyses of shovel test data will undoubtedly enhance the final interpretations of the site, for purposes of formulating a research design, consideration is confined to relatively few data distributions.

One primary source of data regarding where hand excavations are most likely to produce good results is based on concentrations of artifacts recovered from shovel tests. Comparing artifact densities for mapping purposes, however, requires some consideration of the nature of the data. Both counts and weights were recorded for most materials recovered. Misleading results can come from comparing weights of items such as large brick fragments with weights of ceramic sherds and glass fragments. Alternatively, counts of brick fragments also can skew results inasmuch as some proveniences yielded

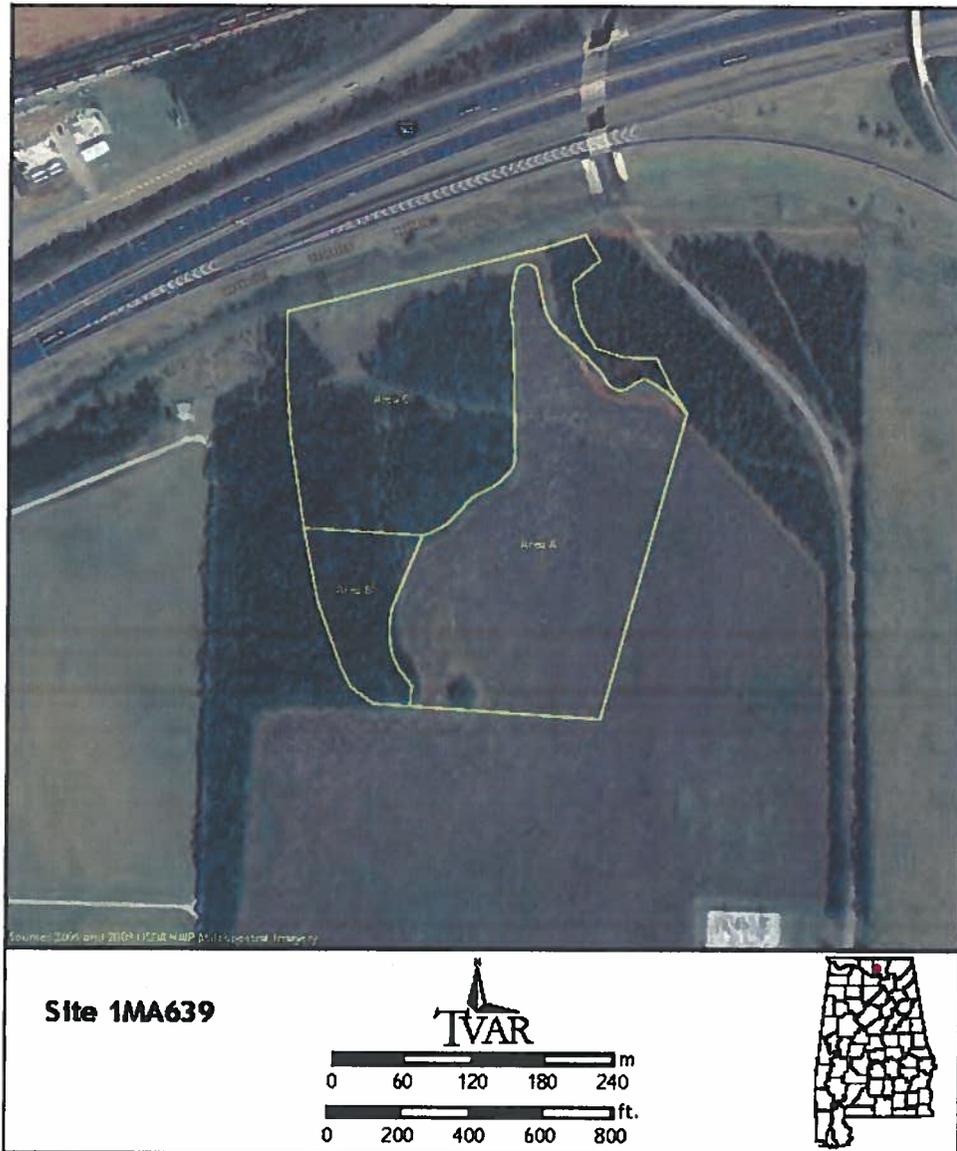


Figure 1. Map showing location and subdivisions of 1MA639.

numerous very small brick fragments while others produced single large fragments that would far surpass the small fragments in total weight.

Similarly, one shovel test produced hundreds of small undifferentiated ferrous metal fragments that in all likelihood were derived from

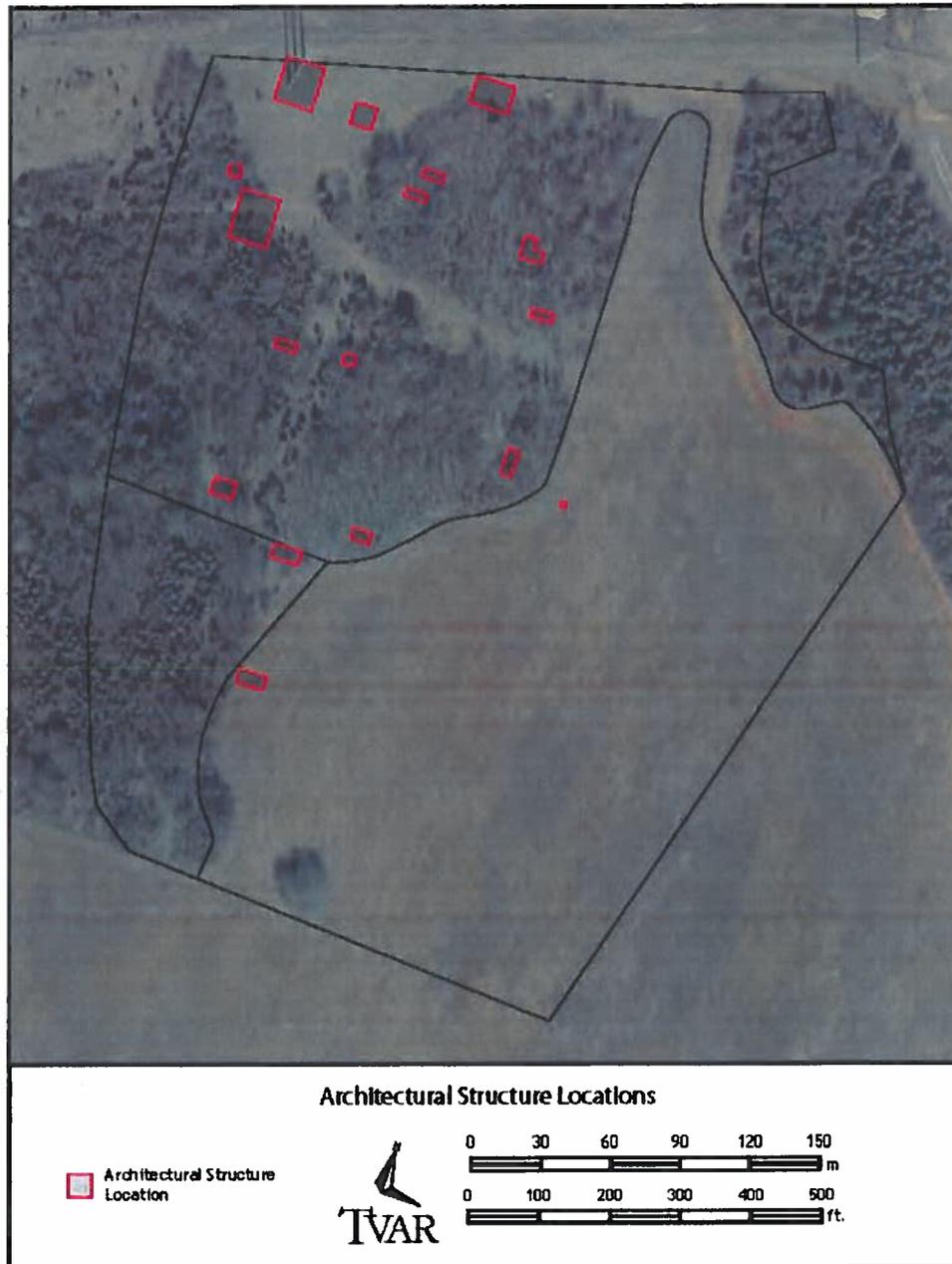


Figure 2. Map showing locations of architectural structures based on field observations and a 1937 aerial photograph. Note: the round structure in the northwestern portion of the site was based on field observations and previously interpreted as the foundation remains of a silo (Trudeau 2006).

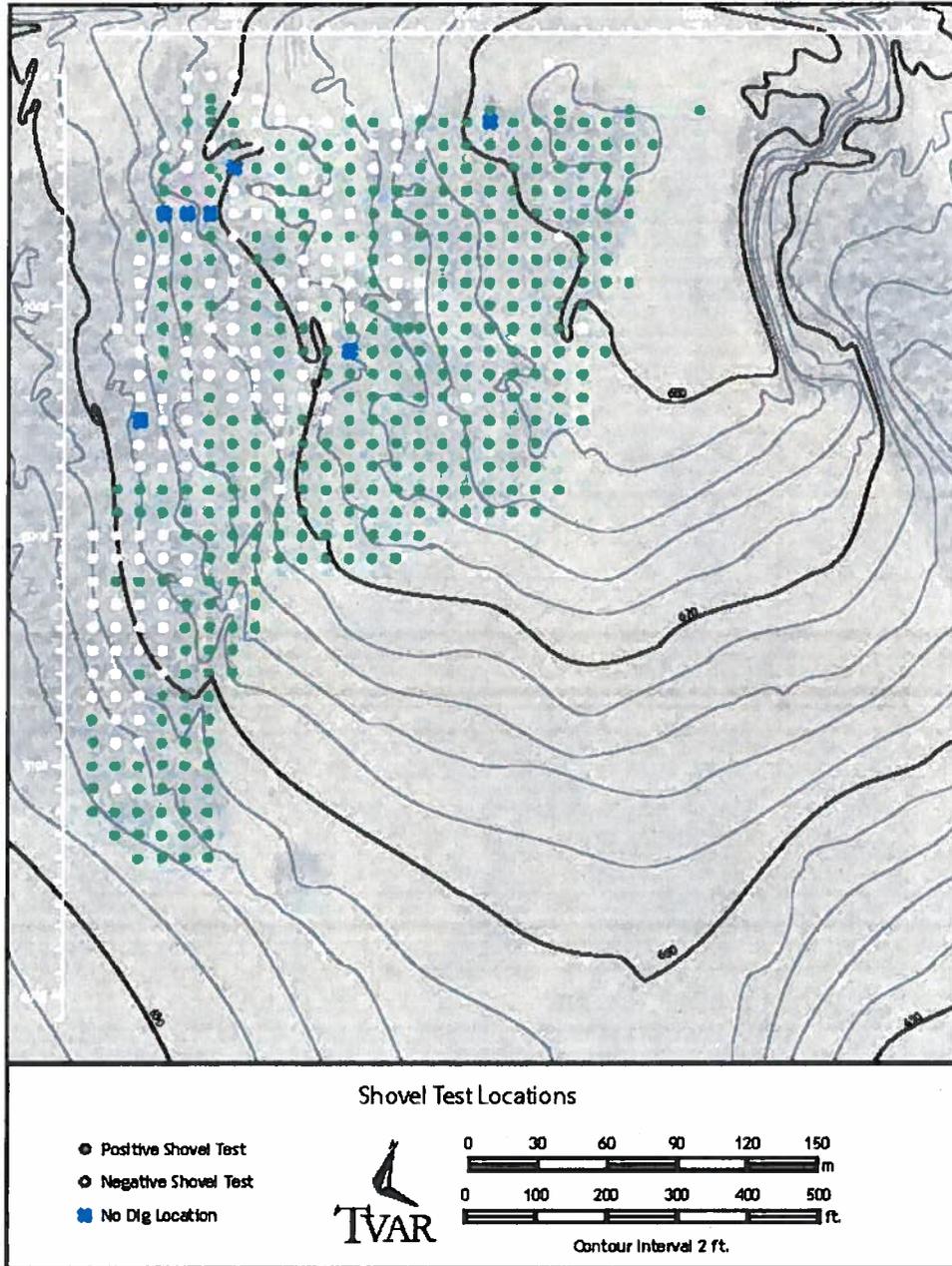


Figure 3. Map showing locations of shovel tests excavated during the supplemental Phase II project.

a single metal container such as a bucket. The counts from that shovel test seriously skew artifact count data when examining combined totals from all shovel tests. To circumvent these kinds of problems, artifact densities based on total counts were confined to ceramic, glass, and metal artifacts, excluding undifferentiated ferrous metal fragments.

A 10-m grid was mapped across the site with shovel test locations marking the center point of each 10-x-10 m square.¹ A total of 293 shovel tests produced artifact types included in the density analysis. All other positive shovel tests, even if they did not produce ceramic, glass, or metal artifacts, were included in analysis. Using all positive shovel tests assured that those not containing ceramic, glass, or metal were not excluded from consideration. Resulting quantities range from 0 to 95, with a mean of 6 and standard deviation of 12 (based on a total sample of 349 positive shovel tests). These descriptive statistics, in turn, furnish an empirical basis for designating intervals for three density categories: Category 1) positive shovel test totals equal to or less than the mean (i.e., 0-6 artifacts); Category 2) positive shovel test totals surpassing the mean but less than one standard deviation above the mean (i.e., 7 to 17 artifacts); and Category 3) positive shovel test totals equal to or greater than one standard deviation above the mean (i.e., 18 to 95 artifacts). Figure 5 shows these density distributions across the wooded portion of the site.

Based on these densities, 222 grid squares are associated with Category 1, 48 with Category 2, and 23 with Category 3 (Figure 6). Categories 2 and 3 grid squares are deemed most appropriate for hand excavations. Although Category 2 falls within a standard deviation of the mean,

it is conservatively included to insure adequate coverage for hand excavations. A 20 percent sample of Categories 2 and 3 grid squares is recommended for hand excavations coupled with 10 percent mechanical stripping in the same squares. Twenty percent mechanical stripping, without hand excavations, is recommended for the Category 1 grid squares. Notably, the close interval shovel test data recorded in these areas will augment final interpretations of any features encountered during stripping of Category 1 grid squares.

Excavations are not recommended for grid squares associated with shovel tests that yielded no materials, whatsoever. Several of these negative shovel tests were in areas that have been severely impacted. For instance, Trudeau (2006) observed a large area of recent disturbances in the west-central portion of the site, which yielded several negative shovel tests. Negative shovel tests also were noted along an old north-south roadbed during the supplemental shovel testing. Others appear to reflect areas that were not utilized in ways that would have resulted in the accumulation of substantial archaeological deposits, some of which, especially among the southwesternmost ones, perhaps should be considered as lying outside the site boundaries.

Summarizing the entire wooded area of the site, 4,440 m² of Category 1 grid squares are designated for mechanically stripping; 1,420 m² of Category 2 and 3 grid squares are allocated for hand excavations; and 710 m² of Category 2 and 3 grid squares are slated for mechanically stripping. Precise placements of the excavation units and stripping blocks associated with each grid square will be determined based on ongoing observations and findings during the field

¹Non-grid shovel tests were excluded from the sample. These included five positive shovel tests excavated within a utility corridor along the northern site boundary and one near the center of the site that was erroneously placed between the 10-m intervals during the field investigation.

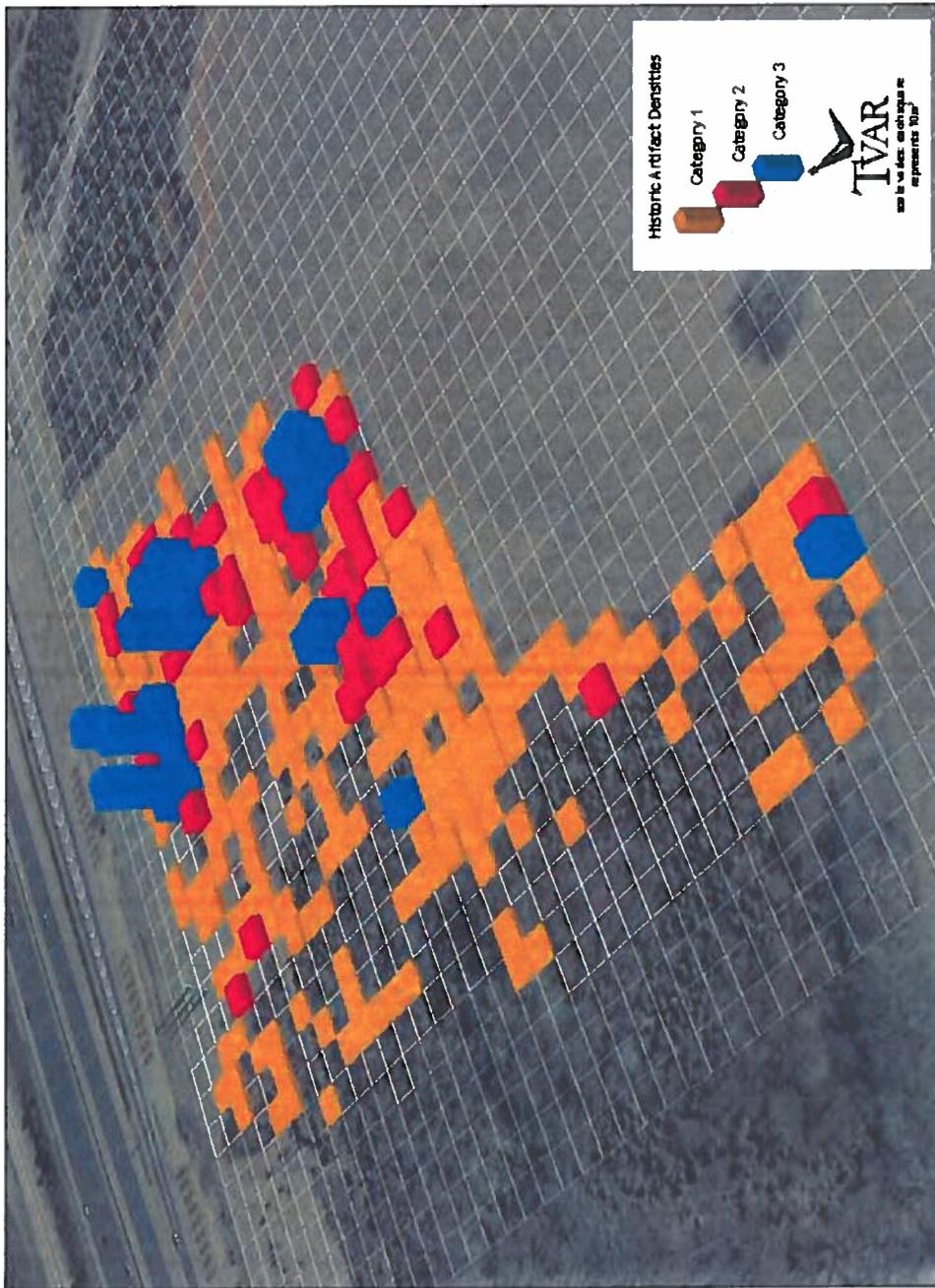


Figure 5. Graphic display of historic artifact (i.e., ceramic, glass, and metal, excluding undifferentiated ferrous metal fragments) densities.

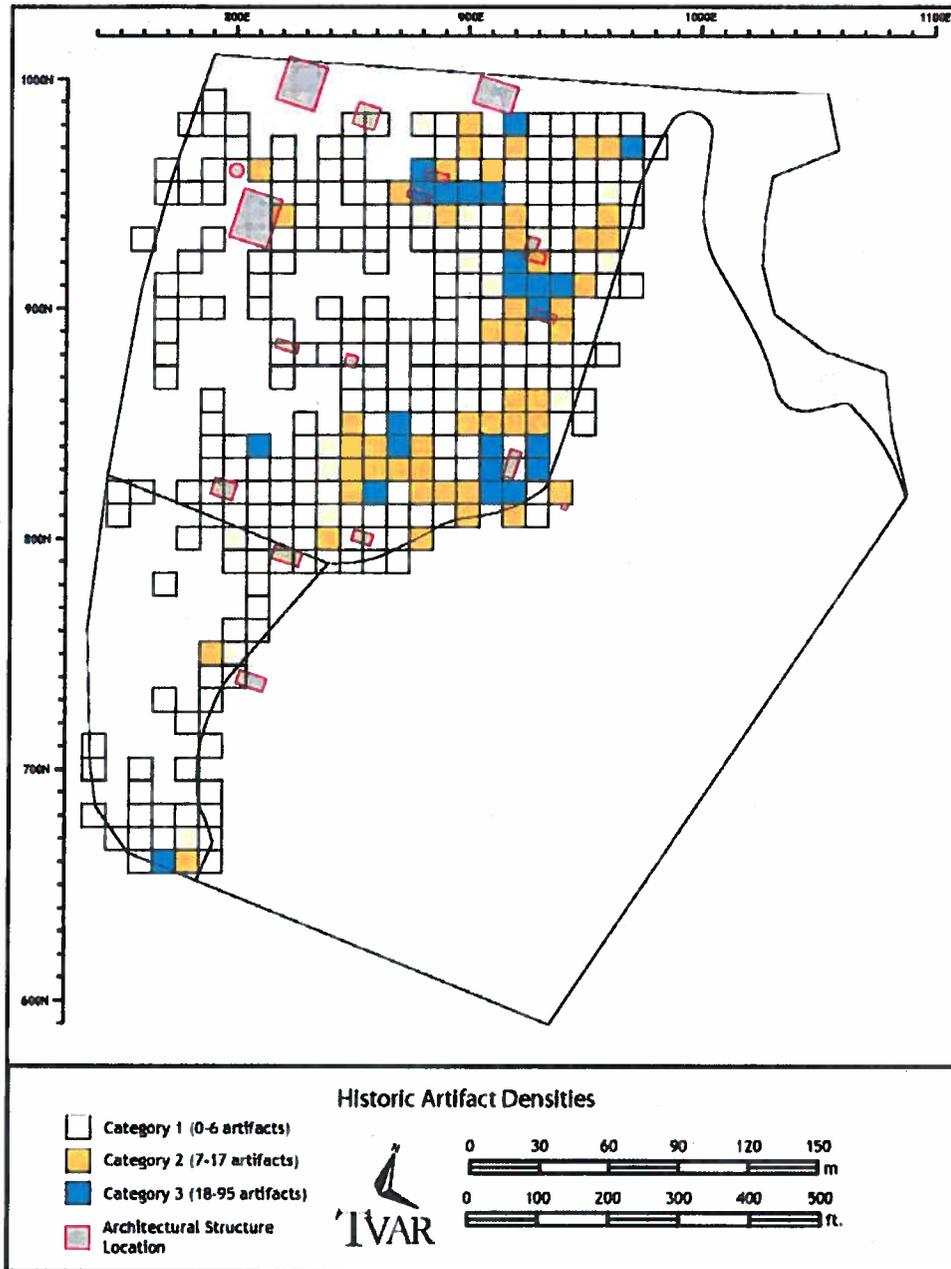


Figure 6. Map showing historic artifact (i.e., ceramic, glass, and metal, excluding undifferentiated ferrous metal fragments) densities.

investigations. These choices will emphasize obtaining adequate samples for further establishing contexts and identifying functional areas (such as occupation house, blacksmith shop, carriage house, barn, etc.) (see South 1977). This may result in the placement of some of the slated units in areas outside the boundaries of the grid squares associated with specific density categories. By and large, these methods appear to provide adequate coverage for known structure locations.

The number of grid squares associated with each category are summarized in Table 1 for the two subdivisions of the wooded area.² In Area C, 3660 m² of Category 1 grid squares are designated for mechanically stripping; 1360 m² of Category 2 and 3 grid squares are allocated for hand excavations; and 680 m² of Category 2 and 3 grid squares are slated for mechanically stripping. In Area B, 780 m² of Category 1 grid squares are designated for mechanically stripping; 60 m² of Category 2 and 3 grid squares are allocated for hand excavations; and 30 m² of Category 2 and 3 grid squares are slated for mechanically stripping. Based on the methods for estimating numbers of features discussed above, an estimated 49 pit features and 59 posthole features may be expected in Area C excavations, while an estimated 8 pit features and 9 posthole features may be expected in Area B excavations.

Other data also are taken into account in formulating the research design. Trudeau (2006) identified a round feature at the site as the base of a silo in Area C. This feature also was observed during the supplemental Phase II investigation and consists of a low, circular (ca. 2-3 m diameter), concrete block wall extending into the ground and filled with rubble and dirt. There is, however, no shadow emanating from this area on

Table 1. Density category totals in Areas B and C.

	Category 1	Category 2	Category 3
Area B	39	2	1
Area C	183	46	22

the 1937 aerial photograph of the area, as would have been the case if a silo existed at this location in 1937. If the feature does represent the base of a silo, apparently it was razed before 1937. A 1942 aerial photograph shows that structures in this area had been razed by 1942, and it seems highly unlikely, though not impossible, that a silo would have been built there sometime between 1937 and 1942. Hence, the feature perhaps represents some other kind of structure altogether, such as a cistern. To further explore the nature of this feature, TVAR recommends mechanically cross-sectioning it, mapping and photographing the profile, and excavating a 0.5-x-0.5-m column by natural and/or arbitrary levels to sample the fill contents of the feature.

In addition, marker artifact types were used to examine chronological distributions of occupational debris across the site. Prehistoric site occupations of 1MA639 are represented by a total assemblage consisting of only 25 pieces of chipped-stone debitage, one of which exhibited evidence of retouch. Mapped distributions of these artifacts show no substantial spatial clustering, and the prehistoric component obviously holds little research potential (Figure 7). Key ceramic, glass, and nail artifact types were used to assess the temporal distribution of historic occupational debris across the site. Pearlware and creamware are good ceramic markers of the early nineteenth-century activities (Figure 8), while amethyst glass and milk glass canning jar lid liners are good markers of late nineteenth- to early twentieth-century activities (Figure

²Inclusions of grid squares with specific wooded areas (B or C) are based on the center points (i.e., shovel test locations) rather than outer grid square boundaries.

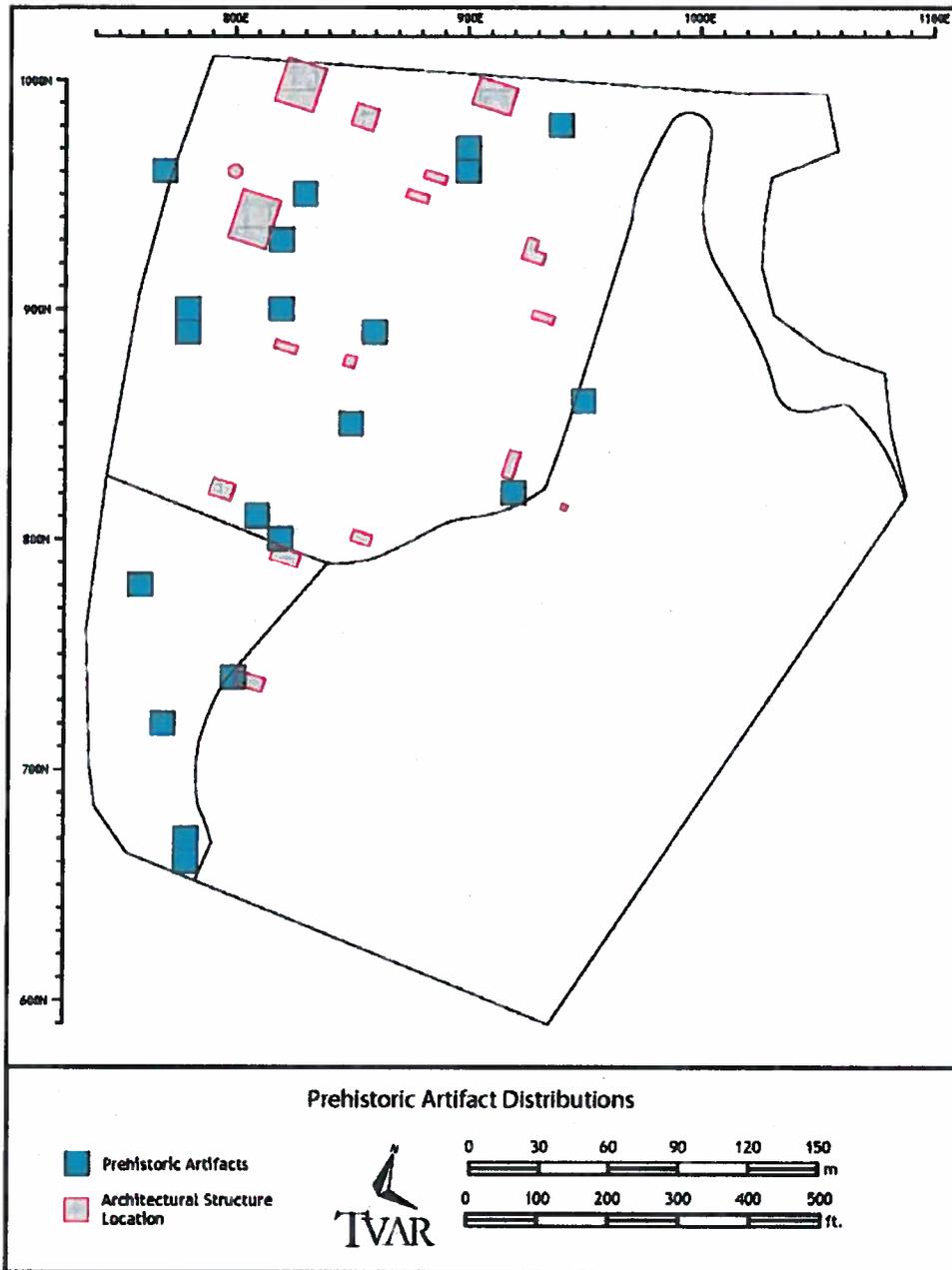


Figure 7. Map showing distributions of prehistoric artifacts.

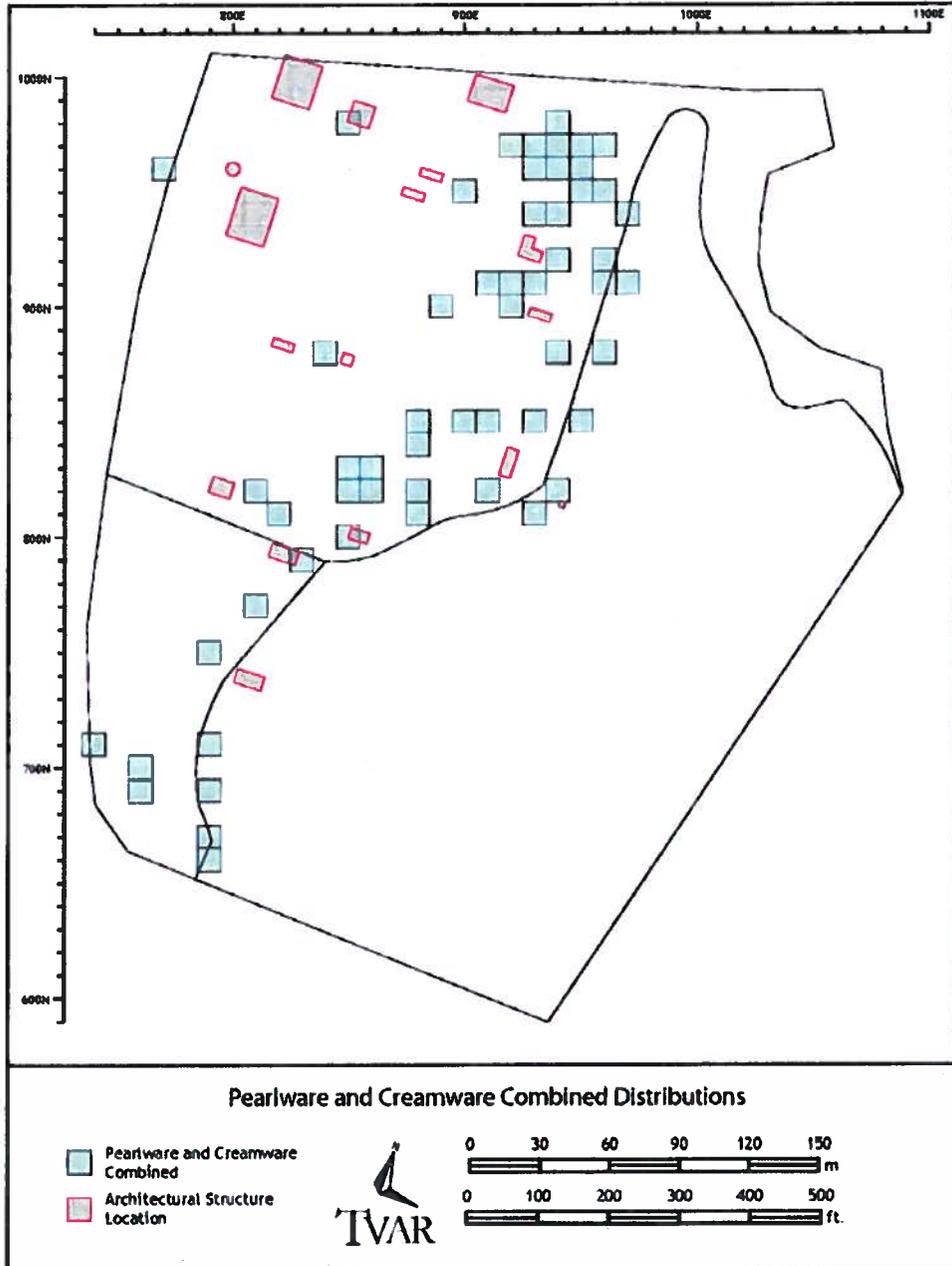


Figure 8. Map showing distributions of pearlware and creamware ceramics.

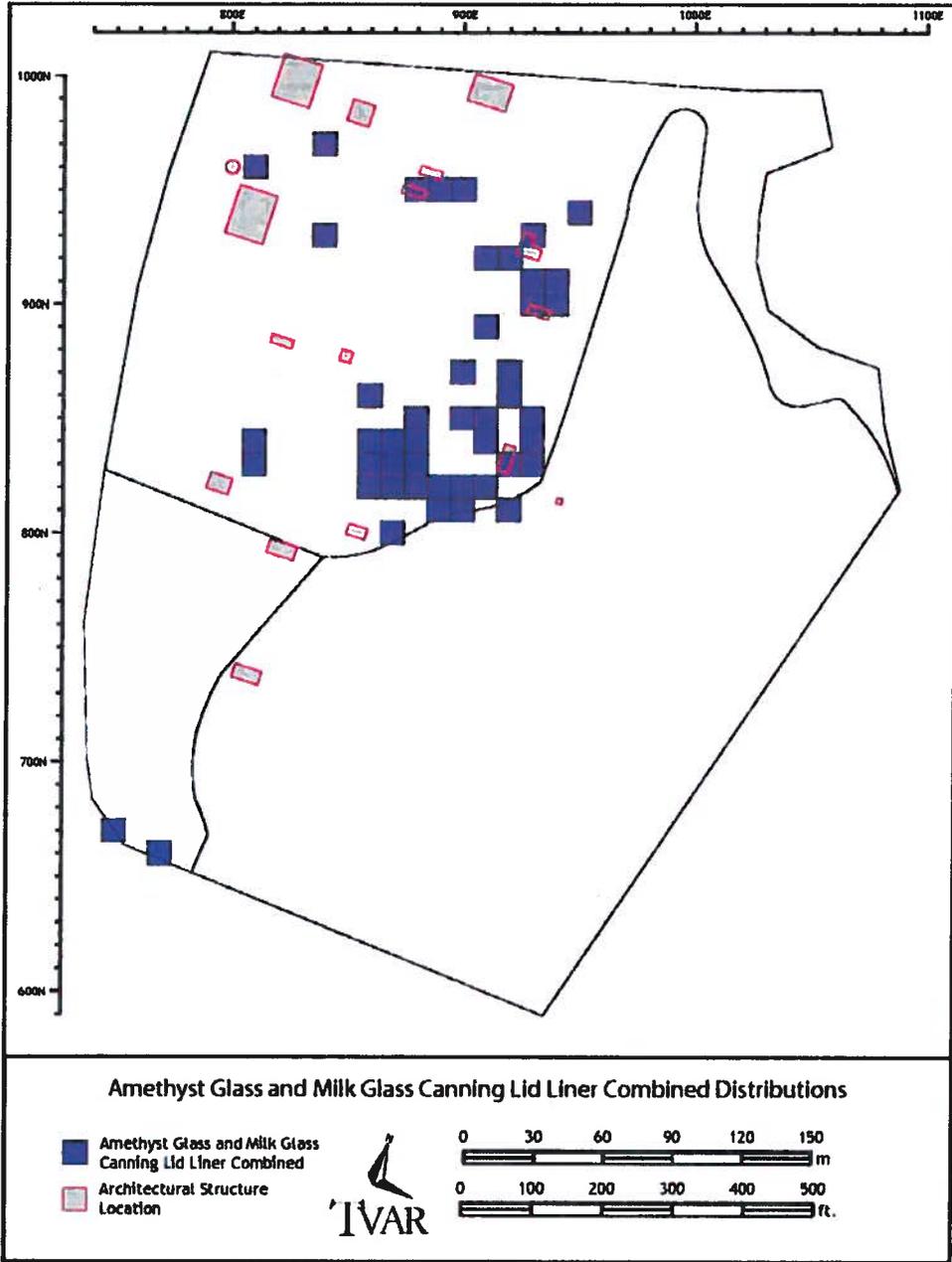


Figure 9. Map showing distributions of amethyst glass and milk glass canning lid liners.

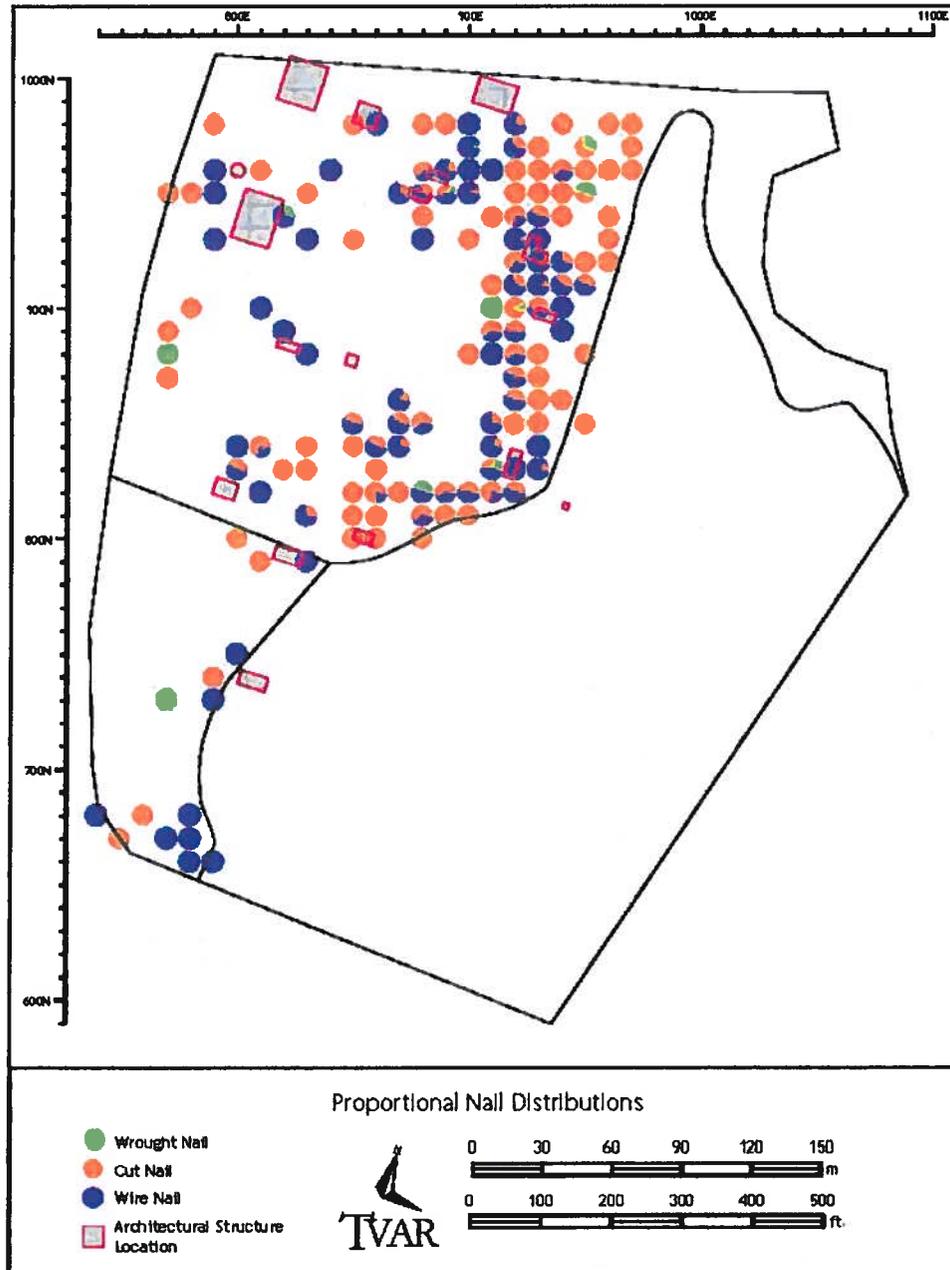


Figure 10. Map showing proportional distributions of nails.

9). Nails also are good chronological markers, especially when proportional values of different types are examined (Figure 10). Wrought and cut nails, coupled with an absence of wire nails, are indicative of the earliest nineteenth-century site occupations. Wire nails were introduced into the region during the latter half of the nineteenth century and gained in proportional representation as cut nails declined in the late nineteenth and early twentieth centuries.

The chronological data distributions are particularly important insofar as they provide a means for isolating potential areas of slave quarters and related activities that otherwise may not be reflected by dense artifact concentrations. In this respect, the mapped distributions are revealing. The amethyst glass and milk glass canning jar lid liners are confined to Area C and along the southernmost boundary of Area B. Pearlware and creamware is concentrated primarily in the eastern portion of Area C, which also contains some of the densest artifact concentrations, and in southern and eastern portions of Area B. Nail distributions show similar chronological associations, although wire nail distributions indicate some later architectural activities in portions of Area B.

All said, Area B appears to hold a good potential for the location of early nineteenth-century slave quarters. In a plantation community hierarchy, slave dwellings on southern plantations were often clustered based on work duties, with cooks and other household domestics nearer the "big house" while field hands lived in rudier quarters near the crops they tended (McKee 2000). Household slave quarters were generally

set behind or to the side of the plantation house; field quarters, single- or double-pen cabins with a fireplace, were placed out of sight and near the fields but close enough for the owner to maintain control (Vlach 1993). Hence, the presence of early nineteenth-century temporal markers in Area B as well as Area B's location away from the main plantation house in the northern portion of the site indicate that this area may have been occupied by slave field hands. This case is furthered by findings identified as possible slave quarter remains in the portion of the open field area of the site located adjacently to Area B (Jorgenson and Janowitz 2010). Accordingly, an additional 20-40 m² are slated for hand excavations in Area B to assure adequate data recovery in this portion of the site.³

FIELD METHODS

All fieldwork will meet or exceed the minimal guidelines set forth by the Alabama Historical Commission (2002). Excavation units will vary in size (e.g., 1-x-1 m, 2-x-2 m, 4-x-4 m) as site conditions and contexts dictate and will be dug in arbitrary 10-cm levels and/or by natural stratigraphy. Units will be excavated to the bottom of artifact-yielding deposits. All soils will be screened through a 0.25-inch hardware mesh. At least one representative profile will be described, photographed, and mapped for each unit.

Mechanical stripping of overburden will be accomplished using a machine such as a backhoe or trackhoe equipped with a smooth-edged bucket. This will be followed by shovel skimming

³If numerous postholes are found in patterned alignments (e.g., fence line), a sufficient sample will be cross-sectioned and sampled to establish them as postholes and, if possible, discern an associated construction date.

⁴While the research design sampling technique discussed above is presented in accordance to previously assigned site divisions, the approach is based on percentages of areas of potential effect rather than total site areas. This allows for making adjustments accordingly if planners decide to change areas slated for construction impacts.

to locate subsurface features. As features are found they will be marked with a survey pin flag and assigned a unique identification number.

All subsurface features encountered during hand excavations and mechanical stripping will be investigated and recorded as follows.³ Each feature will be documented on an individual form containing detailed notes and drawings. A feature will first be mapped and photographed in plan view. Then the feature will be bisected along its long axis and one-half will be removed. Exposed feature profiles will be photographed and drawn.

Prior to preparing the project proposal and budgets, consultations were held with Dr. Kandace Hollenbach of the University of Tennessee Archaeological Research Laboratory, who will direct the analysis of floral and faunal remains. The purpose of the consultations was to develop the best approach for sampling features. Given her experience with historic sites, which often have well preserved faunal remains but relatively scant botanical assemblages, Dr. Hollenbach highly recommended collecting 5-10 liter soil samples for flotation, with a focus on the analysis of all faunal remains captured in feature soil samples coupled with a minimum 25-50 percent sample for botanical remains. Her approach furnishes the flexibility for making research decisions regarding sample sizes and intensity of analysis based on field and laboratory findings and, importantly, associated research directions that become apparent as the fieldwork and laboratory analysis proceeds. Accordingly, a 5-10-liter soil sample, or all the feature fill if less than five liters, will be obtained from the remaining half of each feature for special analyses of preserved floral and faunal remains. Additional samples will be taken from individual layers when present. The remaining

contents of the feature will be excavated by hand. All feature soil not taken for specialized analysis will be screened through 0.125-inch hardware mesh. Although not expected, charcoal samples for radiocarbon dating will be secured from prehistoric features if available. Small features such as postholes will be bisected for profile mapping and photography. The remaining half will be excavated and screened through 0.125-inch hardware mesh. Because of dense clays present across TMA639, soils from excavation contexts will be processed primarily through the use of water screening. Flotation samples will be deflocculated by soaking with baking soda and warm water.

3. HUMAN BURIALS

If suspected human remains are encountered during this project, Redstone Arsenal archaeologist Benjamin Hoksbergen will be contacted immediately. Identification of such remains will be verified by TVAR osteologist, Ann Marshall. Should remains be verified as human, fieldwork directly associated with those remains will be discontinued until a plan of action is agreed upon in coordination with Redstone Arsenal, the Alabama Historical Commission, and when appropriate Tribal Historic Preservation Officers, or African- and European-American descendants. Only enough of a burial to determine human or nonhuman identification will be exposed. Until a plan of action is made regarding any identified human remains, they will be mapped in-situ and covered with soil for protection and security. Investigations regarding human remains shall adhere to Alabama Burial Law as found in Section 13A-7-23-1, Code of Alabama 1975 and the subsequent amendment as found in State Bill 71 (SB71).

4. SITE MAPPING

A geographic information system (GIS), incorporating data generated through the use of precision mapping equipment such as global positioning system receivers and a total station, will be used to produce a detailed three-dimensional map of the site. This mapping will include locations of all shovel tests, excavation units, and mechanically stripped areas and all architectural remains and features encountered during the investigation as well as locations of exotic plants that may have been associated with the historic site occupations. During and following the fieldwork, the data will then be compiled and implemented within the GIS along with historic map overlays and LIDAR survey data to facilitate three-dimensional spatial analysis and visualization. These analyses will be used to enhance and further overall site interpretations including identification of specific artifact clusters, distributions, and densities.

5. LABORATORY ANALYSIS

Field notes, maps, artifacts, photos, and pertinent records generated during Phase III fieldwork at 1MA639 will be transported to the Tennessee Valley Archaeological Research laboratory in Huntsville, Alabama. At the laboratory facilities, artifacts and other associated materials recovered from the site will be thoroughly washed and allowed to air dry. Provenience information will be verified for accuracy at this stage, and all materials will be accounted for by a physical inventory. Artifact and other material collections will then be analyzed under the direct supervision of qualified staff members. All items will be assigned unique catalog numbers and placed

in 4-mil polypropylene resealable bags. Prior to entering the material data into a relational database management system (RDBMS), a final check of provenience and material data will be performed. The data will then be entered into the RDBMS, and both database query driven and physical data checks will be used to verify the accuracy of the entries. The RDBMS, which includes geographic information (geodatabase), is currently being utilized by TVAR to facilitate analysis of sites within the Tennessee Valley. Within the geodatabase, tabular and geographic data are stored together to facilitate recognition of spatial and attribute relationships. Artifact and project data are all digitally recorded and stored together within specific tables joined to each other where appropriate. Further, geographic information created using a GIS will be recorded for as much of the project data as possible and stored within the RDBMS. This system has proven integral to site interpretation and data visualization on previous projects.

SPECIALIZED STUDIES

Special analyses, such as radiometric and subsistence studies, will be conducted by consultants who have extensive experience with such assemblages in southeastern North America. Ethnobotanical and zooarchaeological studies will be conducted on specimens from flotation samples derived from features. The analyses will be conducted under the direction of Dr. Kandace Hollenbach at the University of Tennessee Archaeological Research Laboratory located in Knoxville, Tennessee. Although not expected, if appropriate carbon samples are recovered from prehistoric contexts, radiometric analysis will be performed by Beta Analytic, Inc. in Miami, Florida.

6. CURATION

Upon completion of the final report of investigation, all artifacts, field notes, maps, photographs, and samples will be prepared for final curation. Collections will be submitted for curation within one year of project completion. Artifacts and special samples will be put in curation grade 4-mil zip-lock plastic bags and placed in acid-free boxes. Each box will have an inventory list describing its contents. All project related materials will be curated at the Erskine Ramsay Archaeological Repository located at Moundville Archaeological Park under an agreement with the Office of Archaeological Research, University of Alabama. This facility meets Department of Interior 36 CFR Part 79 guidelines.

7. REPORT

A management summary of field investigations and research will be submitted within six weeks of fieldwork completion to the City of Huntsville. Upon completion of laboratory analysis, a report of investigation will be compiled detailing the field and laboratory methodologies and findings. The report will include artifact inventories by provenience, context summaries, site maps, unit and feature maps and drawings, historic photographs and maps, and summaries of data analyses and interpretations at both local and regional scales. Five copies of a draft report will be submitted to the City of Huntsville for review. After the initial review, necessary revisions will be made, and 10 copies of the final report will be submitted to the City of Huntsville.

8. PROJECT TEAM

If a decision is made to only conduct Phase III data recovery in Area A, Mr. Hunter Johnson will serve as Principal Investigator and will oversee all field excavations, laboratory investigations, and report preparation. Otherwise, Dr. Robert Lafferty will serve as Principal Investigator for the entire project. Both Mr. Johnson and Dr. Lafferty meet the Secretary of Interior's Standards and Guidelines under 48 CFR 44716 to conduct archaeological research and have worked on numerous prehistoric and historic projects throughout much of the Southeast. Mr. Hunter Johnson and Dr. Keith Little will serve as advisors throughout the project, and as TVAR's Director, Mr. Johnson will secure all resources needed for successfully achieving project goals. Additional project team members will include Supervisor, Ms. Ann Marshall. Ms. Marshall has experience supervising fieldwork and laboratory analysis and compiling reports. She has completed all course work towards her masters degree in anthropology, and her committee currently is reviewing a draft of her masters thesis. All requirements for her masters degree are anticipated to be completed by the time the fieldwork begins. Other team members will include GIS coordinator and Supervisor, Mr. Kevin Harrelson, and Mr. Travis Rael who will supervise laboratory analysis and assure database maintenance throughout the project.

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ATTACHMENT K

Standard Operating Procedure Selective Logging and Timber Maintenance on NRHP Eligible Archaeological Sites

Whereas the Garrison-Redstone is responsible for the preservation of all archaeological resources on Redstone Arsenal (RSA) that are potentially eligible for the National Register of Historic Places (NRHP), and whereas certain of these sites are located in pine plantations which were planted prior to the discovery said archaeological sites, management of both the cultural resources and the timberlands requires periodic selective timber harvesting in order to clear dead and diseased trees to a) prevent the spread of timber disease, b) prevent the accumulation of potentially flammable tinder, and c) prevent bioturbation of the archaeological deposits as a result of the tipping of dead trees.

Applicable Laws / Regulations

- National Historic Preservation Act
- Archaeological Resources Protection Act

Policy

- Impacts to any *intact* archaeological deposits will not be permitted. Since the upper approximately 8 inches (20 cm) of soil on most of the sites in question has been previously disturbed by cultivation and subsequent planting and maintenance of the pine plantations, the archaeological deposits in that zone are no longer in primary context, and further impacts to that zone will have minimal effect on the integrity of the cultural resource. Therefore, impacts to the sites as a result of timber maintenance shall be restricted to this zone. No impacts shall be permitted below 8 inches (20 cm) below ground surface.
- If the RSA CRM determines that a particular area has never been cultivated or otherwise disturbed, ground disturbance must be altogether avoided on archaeological sites in that area.

Procedure

- I. All logging activity or intensive vegetation removal must first be reviewed by the RSA CRM prior to initiation of work in order to determine whether archaeological sites are present and whether the APE has been cultivated or otherwise disturbed in the past.
- II. Ground disturbance must be avoided on undisturbed archaeological sites. In areas which were cultivated or otherwise disturbed in the past, in order to minimize impacts below the plow zone, any timber maintenance activity conducted on potentially NRHP eligible archaeological sites, including the driving of heavy machinery, the felling of trees,

and the dragging of felled trees, shall be conducted only after a minimum of one week (7 days) after the last rain fall in quantities of half an inch (12.7 mm) or more.

- III. No timber maintenance activity shall be conducted on portions of potentially NRHP eligible archaeological sites which are subject to high water table or similar conditions which could cause soft ground which could be easily rutted by heavy machinery or drug trees.
- IV. All cultural features visible at the surfaces of potentially NRHP eligible archaeological sites including such features as chimney bases, foundations/piers, wells, cellars, or cisterns on historic sites and rock shelters, rock art, and mounds on prehistoric sites shall be strictly avoided during timbering activity. A buffer of at least 20 feet (6 m) shall be maintained around each feature.
- V. In general, vehicle traffic, including but not limited to heavy machinery, shall be minimized to the greatest extent practical on any potentially NRHP eligible archaeological site. Access roads shall not be established over or within 50 feet of NRHP eligible archaeological sites.
- VI. Decking areas shall not be located on or within 50 feet of any NRHP eligible archaeological site.

ATTACHMENT L-1

Burial Treatment Protocol

- 1. The Phase III Data Recovery Consultant and/or Construction Supervisor shall stop work within the immediate vicinity of the human remains and/or funerary objects and immediately notify the Redstone Arsenal Cultural Resources Manager (CRM) with written backup should any human remains and/or associated funerary objects be encountered in connection with any activity covered by this agreement.**
- 2. The Redstone Arsenal CRM will inform the ALSHPO and the Tribes within forty-eight (48) hours upon being informed of the presence of Native American human remains and/or funerary objects.**
- 3. Whenever and wherever it is feasible, human remains will be preserved in-place.**
- 4. The Redstone Arsenal in consultation with ALSHPO and concerned or consulting Indian Tribes shall ensure that those remains and associated funerary objects are treated in a manner that is consistent with the Advisory Council of Historic Preservation's Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (2007); referenced in Attachment H-2, Specific Rules and Regulations and Tribe Guidelines for Treatment of Human Remains.**
- 5. This treatment will be conducted in accordance with the policies of the culturally affiliated Indian Tribes regarding the treatment of human remains and funerary objects, if such human remains are of Native American origin and cultural affiliation can be determined.**
- 6. This project shall follow Section 3 of the Native American Graves Protection and Repatriation Act of 1990. (25 USC 3001 et.seq.)**
- 7. No photographs of Native American human remains will be allowed, and no drawings, measurements, or notes concerning the remains will be published.**

ATTACHMENT L-2

The Inter-Tribal Council Of The Five Civilized Tribes Organized February 3, 1950, Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations NAGPRA Policy Statement

The Inter-Tribal Council of the Five Civilized Tribes Organized February 3rd, 1950 Cherokee / Chickasaw / Choctaw / Muscogee / Creek / Seminole

NAGPRA Policy Statement

This Policy Statement has been agreed upon by the following tribes of the Inter-Tribal Council of the Five Civilized Tribes (ITCFCT):

The Cherokee Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Muscogee (Creek) Nation, and the Seminole Nation of Oklahoma.

We represent over 400,000 Native People nationwide, thus the largest Federally recognized body of blood descendants of the original inhabitants of the Southeast Region of the United States.

THE INTER-TRIBAL COUNCIL OF THE FIVE CIVILIZED TRIBES looks toward the future and the possibility that this process will begin to generate a greater level of understanding and respect for the traditions and cultural heritage of Native Americans at the National and International level.

This understanding can only come by incorporating contemporary Native perspectives into the interpretation and presentation of Native people's past and present cultural realities.

Cooperative endeavors to address Native rights and concerns established during the repatriation process hold the promise of strengthening the native voice of the Indigenous people's of the Southeast Culture.

In recognizing and affirming the sovereignty of each member nation we shall implement the following:

- The Native American Graves Protection and Repatriation Act (NAGPRA)
<http://www.ausbcomp.com/redman/native_graves_act.htm>
- The National Museum of the American Indian Act (NMAI Act)
- The American Indian Religious Freedom Act (AIRFA)
<http://www.ausbcomp.com/redman/religious_freedom_act.htm>
- The Archaeological Resource Protection Act (ARPA)
<http://www.ausbcomp.com/redman/archaeological_protection_act.htm>
- The National Historic Preservation Act (NHPA)
- The Executive Orders for Protection and Enhancement of the Cultural Environment
- The Executive Order for Indian Sacred Sites
- The White House Memorandum, Government-to-Government Relations with Native Americans Tribal Governments, and other related laws and regulations.

WE RECOGNIZE that in some cases: federal, state, private land owners and other individuals who occupy the lands we once inhabited treat our ancestral/relatives graves and sacred resources as spoils thus, defiling, desecrating, demoralizing and dehumanizing the Native American People's.

THE ITCFCT IN CONSENSUS AGREEMENT state that by the preponderance of geographical, kinship, biological, archaeological, anthropological, linguistic, folklore, oral tradition, and historical evidence, that we share the Southeast region of the United States, which encompasses both ancestral homelands and contemporary jurisdictional areas.

WE FIRMLY AGREE we did not abandon our ancestral/relatives graves and sacred sites but forced removal to distant lands prevents us from visiting, preserving, and protecting those sacred sites comprising but not limited to the current states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, and Oklahoma.

WE AGREE to support and communicate with one another in establishing a relationship for the pursuit of the repatriation of ancestral/relatives Human remains and culturally sensitive artifacts of the Southeast cultures which are in the possession of museums or stored at various repository locations throughout the United States and the World.

ITCFCT NAGPRA POLICY STATEMENT:

WE AGREE to support and defend the sacred burial sites of our ancestors and relatives, who by consanguinity, we claim a shared group identity which can be reasonably traced to historic and prehistoric "Paleo" cultures that have inhabited the Southeast region and the submerged civilizations of coastal waterways of the United States.

WE AGREE that through joint deliberations and tribal consensus we shall address mutual concerns relevant to the execution of repatriation issues involving common boundaries and common lines of descent for cultural affiliation determinations.

WE AGREE to consult with other federally recognized tribes, legitimate tribal groups and non-governmental organizations, who contribute to the repatriation and protection of culturally sensitive materials and sacred sites.

WE AGREE to establish a dialogue and develop agreements with the original inhabitants of the land within our present jurisdictional boundaries. We shall monitor and protect their culturally sensitive resources and sites, and notify those tribes who may be culturally affiliated of any disturbances.

WE AGREE to define jurisdictional boundaries for the purposes of collecting data more efficiently and to share documented information and inventories on archaeological, ethnographic, and physical anthropological materials that are collected on inspections to Museums and repositories.

WE AGREE that repatriations, reburial practices and disposition will be implemented by each tribe according to their protocol. The other Southeastern tribes will be made available for advice and offer assistance, if needed.

WE AGREE to pursue amendments in federal, state and international laws and establish a dialogue with the various agencies in developing agreements regarding the repatriation, protection, and preservation of Human remains and culturally sensitive materials.

WE AGREE that a two foot perimeter around the skeletal remains and funerary objects (associated and unassociated) constitute as part of a person. Any cleaning or washing of these bone fragments or articles is a violation of human rights. The excavated Earth remains sacred even with the absence of Human remains or funerary objects.

WE AGREE to discourage any type of scientific testing on historic or prehistoric (Paleo) Native American Human remains for the purposes of determining cultural affiliation or age dating.

WE SEPARATELY AND AS A WHOLE AGREE to claim "Culturally Unidentifiable" Native American Human remains and other cultural items from the Southeastern United States and when deemed necessary to designate a tribe or repository for temporary management of Human remains or culturally sensitive materials until a reasonable determination of cultural affiliation can be established, for purposes of reburial and protection of sacred sites.

WE SHALL educate the public regarding the spiritual beliefs of the Indigenous People of the Southeast Cultures and strive to maintain tribal customs and traditions in this most sensitive issue. Our belief is that in bringing and maintaining our relations to the sacred cycle of life, we will resolve spiritual disturbances within our Native American Communities.

The Inter-Tribal Council of the Five Civilized Tribes shall have sole right to amend this NAGPRA Policy Statement when deemed necessary.

This document was approved by Resolution 98-28 of the Inter-Tribal Council of the Five Civilized Tribes on July 10, 1998 at Fountainhead Resort near Checotah, OK.

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NAGPRA

Public Notice and Comments

The U.S. Army Garrison – Redstone Arsenal, Alabama has leased 468 acres of under-utilized land near Gate 9 along Rideout Road to L. W. Redstone Company LLC as an Enhanced Use Lease (EUL) for the development of the Redstone Gateway office, research and development, and conference park.

This public notice is the first step to ensure that L. W. Redstone is prepared to begin construction on schedule.

The Redstone Gateway EUL development is a priority in order to support the growing infrastructural needs of Redstone Arsenal as a result of BRAC 2005. The undertaking will include moving and expanding Gate 9, moving the railroad spur and electrical substation which are currently located within the lease area, moving the Redstone Arsenal perimeter fence to exclude a portion of the development, construction of around 4 million square feet of office and research space, and modification and construction of infrastructure to support the development. The northern part of the proposed development area includes archaeological site 1Ma639, the historic Oakendale Plantation which operated from around 1820 to when the Army purchased the land in 1942.

The undertaking described above is a Federally sponsored project, and Redstone Arsenal has determined that it will have an adverse effect on archaeological site 1Ma639, a property eligible for listing on the National Register of Historic Places (NRHP). Site 1Ma639 is on Army-owned and managed land. The US Army will be the lead federal agency for this undertaking. In order to better meet their Federal historic preservation responsibilities in managing these properties, as the lead Federal agency, Redstone Arsenal has consulted with the Alabama Historical Commission (AHC), 17 Native American tribes, and the Advisory Council on Historic Preservation (ACHP). The ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties when an undertaking will have an adverse impact to NRHP eligible historic properties. Those regulations are codified under 36 CFR Part 800 (“Section 106 regulations”). Redstone Arsenal and the Alabama State Historic Preservation Officer (ALSHPO) now seek public input on the undertaking. Redstone Arsenal and AHC will take into account this public input prior to signing a Memorandum of Agreement (MOA) for addressing adverse effects to historic properties resulting from construction of the development. Any comments on this undertaking must be received within 30 days of the date of publication of this public notice in the Huntsville Times in order to be considered. The draft MOA is available for review at the Redstone Arsenal Public Affairs Office by contacting Ms. Terri Stover. All comments should be sent to: Ms. Terri Stover, 5300 Martin Road, Building 5300, Room 5143, Redstone Arsenal, AL 35898. It is also available on the Redstone Arsenal Environmental Management Division website www.environmental.redstone.army.mil.

