

Advisory Council
On Historic Preservation
1522 K Street N.W.
Washington, D.C. 20005

MEMORANDUM OF AGREEMENT

WHEREAS, the Tulsa District, Corps of Engineers proposes to institute changes in operational procedures at Wister Lake, LeFlore County, Oklahoma; and,

WHEREAS, the Tulsa District, Corps of Engineers, in consultation with the Oklahoma State Historic Preservation Officer, has determined that this undertaking as proposed would have an adverse effect upon the Lake Wister Locality, Latimer and LeFlore counties, an archeological district included in the National Register of Historic Places; and,

WHEREAS, pursuant to Section 106 of the National Historic Preservation Act of 1966, the Tulsa District, Corps of Engineers has requested the comments of the Advisory Council on Historic Preservation; and,

WHEREAS, pursuant to the procedures of the Advisory Council on Historic Preservation (36 C.F.R. Part 800), representatives of the Advisory Council on Historic Preservation, the Tulsa District, Corps of Engineers and the Oklahoma State Historic Preservation Officer have consulted and reviewed the undertaking to consider feasible and prudent alternatives to satisfactorily mitigate the adverse effect; now,

THEREFORE:

It is mutually agreed that implementation of the undertaking, in accordance with the following stipulations and the attached letter and enclosure of March 29, 1976, from Weldon M. Gamel, Chief, Engineering Division, Tulsa District, Corps of Engineers, will satisfactorily mitigate any adverse effect on the above-mentioned property. (See note at bottom of signature page)

1. ~~Prior to initiating the changes in operational procedures at Wister Lake,~~ the Tulsa District, Corps of Engineers will arrange for and ~~have conducted~~ a program designed to preserve, conserve and recover the important archeological material and information contained in the Lake Wister Locality archeological district;
2. The preservation, conservation and recovery program will follow a detailed and systematic research design meeting standard levels of professional acceptability prepared in accordance with, but not limited to, the recommendations

Memorandum of Agreement

Lake Wister

Tulsa District, Corps of Engineers

found in the University of Oklahoma, Office of Research Administration's General Survey Report No. 15, entitled; "A Resurvey and Assessment of the Prehistoric Resources of Wister Lake, LeFlore County, Oklahoma" prepared by the Oklahoma River Basin Survey Project (copy attached);

3. The research design will be reviewed and approved by the District Engineer, Tulsa District, Corps of Engineers, ~~the Advisory Council on Historic Preservation, the Southwest Division Archeologist,~~ the Oklahoma State Historic Preservation Officer and the Oklahoma State Archeologist prior to the start of any field work; AAS
4. Upon completion of the laboratory research, all artifacts and other materials of archeological value collected from the Lake Wister Locality archeological district will be retained, at the discretion of the Tulsa District, Corps of Engineers, by the University of Oklahoma and made available for public inspection and research;
5. Upon completion of the preservation, conservation and recovery program, all field records, photographs, slides, and experimental data will be retained, at the discretion of the Tulsa District, Corps of Engineers, by the University of Oklahoma and made available for public inspection;
6. Within one year of completion of the field investigations, a published report of the findings of this preservation, conservation and recovery program will be filed with the ~~Corps of Engineers' Southwest Division Archeologist,~~ ^{Advisory Council on} the District Engineer, Tulsa District, Corps of Engineers, the Archivist of the State of Oklahoma, the Director of Anthropology of the Smithsonian Institution, the Oklahoma State Historic Preservation Officer and the Oklahoma State Archeologist; and, AAS
L.H.
7. At periodic intervals, to be established by the Corps of Engineers, in consultation with the Oklahoma State Historic Preservation Officer and the Oklahoma State Archeologist, the Corps of Engineers will monitor those cultural resources within the Lake Wister Locality archeological district which were treated with measures to preserve and conserve the important archeological information. Should monitoring reveal

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that the cultural resources have not been adequately protected, the Corps of Engineers will request the ~~comments~~ of the Advisory Council on Historic Preservation in accordance with the "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R. Part 800) on a proposal to recover the remaining archeological data, or an alternative plan for the protection of the cultural resources.

Robert R. Garvey, Jr. May 20, 1976
Robert R. Garvey, Jr.
Executive Director
Advisory Council on Historic Preservation

Anthony A. Smith 8 June 19
Tulsa District, Corps of Engineers
Department of the Army

Sam W. Stearns (date)
JUN 21 1976
Oklahoma State Historic Preservation
Officer

Dr. Clement M. Silvestro 7/1/76 (date)
Dr. Clement M. Silvestro
Chairman
Advisory Council on Historic Preservation

Note: The Tulsa District, Corps of Engineers currently is operating Wister Lake in the flood pool because of excessive runoff caused by rains during the past week. A drawdown at this time would expose the subject archeology to probable acts of vandalism before appropriate recovery teams can be employed. Therefore, the Corps of Engineers will maintain the Wister Lake pool level, rainfall permitting, to prevent such vandalism until 7 September 1976, after which time the archeological recovery program will begin.

for AAS
HP
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APR 1 1976



DEPARTMENT OF THE ARMY
TULSA DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 61
TULSA, OKLAHOMA 74102

SWTED-PE

29 March 1976

Mr. Louis Wall
Assistant Director, Office of Compliance & Review
Advisory Council on Historic Preservation
PO Box 25085
Denver, CO 80225

Dear Mr. Wall:

I am inclosing a Preliminary Case Report on the Lake Wister Archeological District, Oklahoma, (Incl 1) and requesting execution of a Memorandum of Agreement (36 CFR Part 800).

Sincerely yours,


WELDON M. GAMEL
Chief, Engineering Division

1 Incl
As stated



Preliminary Case Report
Lake Wister Archeological District
Wister Lake, Oklahoma

1. Wister Lake is located on the Poteau River with the damsite at river mile 61 near Wister, Oklahoma. The project was authorized by the Flood Control Act approved 28 June 1938, Public Law 761, 75th Congress 3rd Session for flood control and conservation. Recreation facilities were authorized for construction under the Flood Control Act of 1944. The project was placed in operational status in December 1949. The lake is operated as a unit in the comprehensive plan for control of floods on the Arkansas River and it affords a high degree of flood protection to lands in the Poteau River Valley below the dam. Past archeological investigations conducted during construction of the project were not very thorough.

In 1974 as a result of proposed changes in operational procedures and to determine the impacts of the changes, the conservation pool was allowed to rise, dependent upon basin conditions, to elevation 478.0 which is 6.4 feet above the current conservation pool elevation of 471.6. The pool was held at this level until December 1974 at which time it was lowered to elevation 471.6. The same procedure was followed in 1975. Of the adverse conditions, the greatest impact appears to be an effect on the archeological resources which was one of the major tests evaluated by the trial operational changes. The test and results are recorded in General Survey Report No. 15, A Resurvey and Assessment of the Prehistoric Resources of Wister Lake, Leflore County, Oklahoma, performed by the University of Oklahoma under contract with the Tulsa District Corps of Engineers.

2. The properties included in the Lake Wister Archeological District are described in detail in the attached Survey Report (Incl 1). While only 14 of the sites are distinctly more significant than the remaining 36, all of the sites have been placed on the National Register of Historic Places as a District.

3. Observations made during the resurvey showed that in some cases the damage was even worse than expected. The water level at Lake Wister is not stable. The lake collects the drainage of both the Poteau River and Fourche Maline Creek. Rain showers in any portion of these drainages may cause a sudden increase in the lake level. Between rains the lake level is lowered to the conservation pool again. This continuous fluctuation alternately inundates and exposes sites, subjecting them to both conditions. Inundation destroys the ground cover protecting the site and softens or even disintegrates friable material such as ceramics, bone, shell, and clay features. As the water recedes, wave action cuts into the deposits, disturbing features near the surface, destroying delicate items, and exposing others. Once the water has receded, the bare midden is vulnerable to erosion from run-off after rains. Black dirt and exposed material

present an open invitation to collecting and vandalism. With the next series of rains, the process begins again.

Public use has accounted for additional destruction to a number of sites. Use and maintenance of access roads continues to speed the destruction of a number of sites. All the consequences of road use discussed earlier still apply, but the most startling agent was the cutting of ruts into soft ground. The access roads in this area are frequently used even under poor conditions. Vehicles traveling these soft roads cut deep ruts into cultural deposits when they pass over sites. Those that become mired dig deep into the soil, churning the mud and sliding from side to side. The result is a large hole and a pile of thoroughly mixed deposits. However, this is a minor impact compared to the deliberate vandalism of sites by "pot-hunters". A number of the sites revisited had been recently "potted". Numerous holes had been dug into midden areas and cultural material not collected was tossed aside and scattered. On occasion, the ground was raked to turn up artifacts hidden by grass or rocks. "Pot-hunting" at Lake Wister is second only to the pool fluctuation and runoff as a destructive agent. Whenever debris is exposed by erosion, plowing or other means, it attracts "Pot-hunters". Their excavations expose more of the midden to erosion, which exposes new material, which again makes the site more attractive to "pot-hunters". (Mayo 1975, page 90-91)

A comparison of the impacts between normal operating procedures and the proposed seasonal pool operations are not substantially different. The adverse effects of the proposed changes occur as a result of maintaining a pool over the areas included between elevations 471.6 and 478.0 during the growing season. During late winter and early spring flood control operations, the vegetation is not able to reestablish itself. Consequently, these areas are denuded of vegetation and allow erosion to take place. Although the increased erosion at Site No. Lf-5 removed two inches of soil during the seasonal pool test of 1974 and a drastic increase in vandalism to the archeological sites, these same effects have occurred during normal flood control operations. During the 26 years of operation, the vegetation has been denuded a number of times, each time with similar effects, especially the attraction of artifact collectors. In 1958 spring flood control operation held water in excess of elevation 480 for a period of 35 days, 25 of which were consecutive days in May. The vegetation was killed up to this elevation. The Oklahoma State Wildlife Department removed the dead timber with dozers. In the process many of the subject archeological sites were affected. The distinction between the magnitude of adverse effects between normal operating procedures and those of the proposed seasonal pool are slight. The difference between normal flood control operations and the proposed change in operation is minor. However, the proposed action is a planned activity and as such, necessitates mitigation considerations.

4. The planning stages of the proposed operational changes at Lake Wister have been coordinated with local, state and Federal entities and interested parties. Numerous pieces of correspondence, telephone

conversations, and meetings have taken place. On 17 October 1975 a meeting was held in Oklahoma City between the State Historic Preservation Officer, State Department of Parks and Tourism, State Archeologist, other interested archeologists, and the Corps of Engineers. Other meetings with congressional representatives have been held.

a. The staff of the State Historic Preservation Officer has agreed with the proposed project changes, if the Corps' recommended plan of mitigation is carried out.

b. There is support by local, state, and Federal interests in project implementation. The State Archeologist and other concerned archeologists agree that the project implementation is a necessity, but not at the expense of archeological losses. There is no known opposition to project implementation if mitigation is accomplished first.

c. There are no alternatives which would avoid the adverse effects. Similar adverse effects occur under current conditions also.

d. A plan of mitigation has been developed in consultation with Dr. Robert Bell, University of Oklahoma, the State Archeologist, and the State Historic Preservation Officer. The plan is a combination of preservation, conservation, and archeological excavations. The design of the program is based on archeological research needs and goals of preservation in concert with the proposed seasonal pool operation.

The list of known archeological sites resulting from General Survey Report No. 15 in the immediate area of Wister Lake is tabulated with site numbers, elevations, depth of soil, and recommended mitigation. Site numbers Lf-165 and Lf-25 are synonymous.

Mitigation Symbols

- (a) Excavation (a-1) Total Excavation
- (b) Testing
- (c) Revegetation
- (d) Placement on National Register of Historic Places and Protection
- (e) Protection
- (f) Cease agricultural activities (Plowing)

The program would be divided into two separate phases, each lasting approximately one year including 3 full months of extensive field work. From the fifty known sites in the project area, one site Lf-230 is recommended for total excavation, one site, Lf-5, has been selected for extensive excavation, 12 additional sites for tests excavations, 9 sites to be re-seeded in an attempt to provide a more resilient vegetative cover, and one site to be treated with a two-inch layer of gunite or some similar type material over an area of 6,400 square feet. Five of the fifty sites, which lie above elevation 480 are in a good state of preservation, and appear to be most representative of sites in the area. These have been recommended for preservation and protection.

The two year program which would result in application of preservation techniques and publication of all the cultural data would be adequate mitigation measures for the adverse effects of increasing the pool elevation. An itemized estimate was prepared for the total necessary work, and results in a budget of approximately 250 thousand dollars. The two twelve week periods of field work would have to be scheduled in a compatible relationship with flood control needs, but the lake elevation can be maintained to allow maximum desirable conditions for the field work to be conducted.

5. Dependent upon legislative authority and funding, the Corps recommends implementing alternative 4d. Also dependent upon anticipated funds, the mitigation would be initiated as soon as possible after Labor Day of 1976. Between the middle of June and 6 September, however the pool would be maintained at elevation 478.0.

**Advisory Council
On Historic Preservation**

1522 K Street N.W.
Washington, D.C. 20005

*Site Wister Lake
Memorandum of
Agreement*

July 12, 1976

Mr. Weldon M. Gamel
Chief, Engineering Division
Department of the Army
Tulsa District, Corps of Engineers
P.O. Box 61
Tulsa, Oklahoma 74102

Dear Mr. Gamel:

The Advisory Council is pleased to inform you that the Memorandum of Agreement for the changes in operational procedures affecting the Lake Wister locality, an archeological district in Latimer and LeFlore Counties, Oklahoma, has been approved by Clement M. Silvestro, Chairman of the Advisory Council. This document constitutes the comments of the Advisory Council as required by Section 106 of the National Historic Preservation Act and completes the process for compliance with the "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R. Part 800). A copy of the Memorandum is enclosed.

A copy of this Memorandum of Agreement should be included in any environmental assessment or statement prepared for this undertaking in compliance with the National Environmental Policy Act. The Council appreciates your cooperation in reaching a satisfactory solution to the issues raised in this matter.

Sincerely yours,

Signed

Myra F. Harrison
Acting Director, Office of
Review and Compliance

Enclosure

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The Council is an independent unit of the Executive Branch of the Federal Government charged by the Act of October 15, 1966 to advise the President and Congress in the field of Historic Preservation.

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