



*Preserving America's Heritage*

September 26, 2006

Mr. Stephen L. Nolen  
Chief, Environmental Analysis and Compliance Branch  
Department of the Army  
U.S. Army Corps of Engineers, Tulsa District  
1645 South 101 East Avenue  
Tulsa, OK 74128-4609

REF: Proposed Spillway Improvement Project for Canton Lake Dam  
Blaine County, Oklahoma

Dear Mr. Nolen:

On September 19, 2006, the ACHP received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed on and eligible for listing on the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the final Memorandum of Agreement and related documentation at the conclusion of the consultation process. The filing of the Agreement with us is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Tom McCulloch at 202-606-8505, or via eMail at [tmcculloch@achp.gov](mailto:tmcculloch@achp.gov).

Sincerely,

*Raymond V. Wallace*

Raymond V. Wallace  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4609

REPLY TO  
ATTENTION OF

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Wallace Coffey, Chairperson  
Comanche Nation of Oklahoma  
P.O. Box 908  
Lawton, OK 73502

Dear Chairperson Coffey:

This letter is to initiate Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

Our last correspondence (enclosed) on this project was conducted in February and March of 2001 with the Oklahoma State Historic Preservation Office (SHPO). At that time, we and SHPO agreed that the Canton Dam is eligible for listing on the National Register of Historic Places (NRHP) under criteria A and C, and that the spillway improvement project constituted an adverse effect. Furthermore, we tentatively agreed on actions to resolve the adverse effect on the dam, which included copies of as-built construction drawings, photographic documentation, and development of a historic context. Once the alignment of the spillway was finalized, we were to provide drawings for review and then finalize and execute a Memorandum of Agreement (MOA).

Since 2001, a number of spillway alternatives have been considered based primarily on engineering, environmental, and real estate issues. Now in 2006 the project that is taking shape is different in certain technical aspects. As currently planned, the spillway will be located on the southwest side of the dam (see enclosed figure). It will still function via fuse gates. In addition to placement of the spillway around the southwest end of the dam, Highway 58A will be re-routed slightly to accommodate the structure. The re-routed highway will not impact the historic cemetery that is located on government property west of Canton Dam.

Another associated feature of the project will include a seepage control berm along the toe of the dam embankment. For a number of years the embankment has been producing seepage, enough in fact to create an artificial wetland. In a PMF, existing dam seepage poses a significant risk to the structure.

All berm material will come from adjacent, government-owned land, including the spillway excavation area and other borrow areas located below the dam.

In order to comply with Section 106 requirements, two archaeological surveys have been recently completed in the area surrounding the Canton Lake dam. The first, conducted in 2004, focused on a survey of the Canadian recreation area to the immediate west of the dam (enclosed). As part of this survey, one archaeological site (34BL144) was recorded at the extreme south end of government property, south of the dam. The firm that conducted the field work, engineering-environmental Management, Inc. (e<sup>2</sup>M), recommended that 34BL144 not be considered eligible for listing on the National Register. We agree with the assessment of 34BL144 as an ineligible site.

In 2006 Tulsa District again contracted with e<sup>2</sup>M to conduct an archaeological survey of all government property below the dam, and additional property immediately west of the dam and immediately south of the recreation area (see enclosed report). Additionally, ground penetrating radar (GPR) was utilized on the north and east sides of the historic cemetery in an effort to identify graves that might lie outside cemetery boundaries and flag them for avoidance. Finally, two standing structures to the immediate west of the dam, the Overlook building and the Overlook Café, were evaluated for eligibility to the National Register.

In the 2006 investigation, two historic archaeological sites - 34BL164 and 34BL165 - were recorded. Both sites are historic artifact scatters that e<sup>2</sup>M has recommended as not eligible for listing on the National Register. Of the standing structures, the Overlook Café was recommended as not eligible for the Register, while the Overlook building was considered eligible for the Register under Criterion C (see report). We agree with these recommendations, that 34BL164, 34BL165, and the Overlook Café are not eligible for the Register, but that the Overlook building is eligible under Criterion C. However, we also believe the Overlook building is eligible under Criterion A based on its association with the dam itself, which is an eligible structure.

The proposed spillway construction is being planned in such a way that the Overlook building will be avoided. However, we believe the changes to the landscape will constitute an adverse visual effect to this structure. As previously discussed with SHPO dating back to 2001, we believe the proposed spillway construction and embankment modification will constitute an adverse effect to the dam. We wish to continue toward resolution of these adverse effects by executing an MOA with the Oklahoma

State Historic Preservation Office (SHPO) and the Oklahoma Archeological Survey (OAS).

Please review this area for information that you may be willing to share with us on archaeological or historic sites, sacred sites, or traditional cultural properties that may be significant to you. Information you may be able to provide will assist us in assessing the effects of the proposed project on cultural resources. Additionally, we welcome your comments on this project. If you have any questions, please contact Mr. Ken Shingleton at 918-669-7661.

Sincerely,

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Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4609

REPLY TO  
ATTENTION OF

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Don L. Klima, Director  
Office of Planning and Review  
Advisory Council on Historic Preservation  
Old Post Office Building  
1100 Pennsylvania Avenue, NW, Suite 809  
Washington, DC 20004

Dear Mr. Klima:

This letter is to notify you of adverse effects to two historic properties as required by Section 106 of the National Historic Preservation Act of 1966 (as amended), through its implementing regulation 36 CFR Part 800. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Canton Lake is located in Blaine County, northwestern Oklahoma. Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure. The two structures at Canton Lake which we anticipate will be adversely affected by this project include the Overlook building and the dam itself.

Our last correspondence (enclosed) on this project was conducted in February and March of 2001 with the Oklahoma State Historic Preservation Office (SHPO). At that time, we and SHPO agreed that the Canton Dam is eligible for listing on the National Register under criteria A and C, and that the spillway improvement project constituted an adverse effect. Furthermore, we tentatively agreed on actions to resolve the adverse effect on the dam, which included copies of as-built construction drawings, photographic documentation, and development of a historic context. Once the alignment of the spillway was finalized, we were to provide drawings for review and then finalize and execute a Memorandum of Agreement (MOA).

Since 2001, a number of spillway alternatives have been considered based primarily on engineering, environmental, and real estate issues. Now in 2006 the project that is taking shape is different in certain technical aspects. As currently planned, the spillway will be located on the southwest side of the dam (see enclosed figure). It will still function via fuse gates. In addition to placement of the spillway around the southwest end of the dam, Highway 58A will be re-routed slightly to accommodate the structure. The re-routed highway will not

impact the historic cemetery that is located on government property west of Canton Dam.

Another associated feature of the project will include a seepage control berm along the toe of the dam embankment. For a number of years the embankment has been producing seepage, enough in fact to create an artificial wetland. In a PMF, existing dam seepage poses a significant risk to the structure. All berm material will come from adjacent, government-owned land, including the spillway excavation area and other borrow areas located below the dam.

In order to comply with Section 106 requirements, two archaeological surveys have been recently completed in the area surrounding the Canton Lake dam. The first, conducted in 2004, focused on a survey of the Canadian recreation area to the immediate west of the dam (enclosed). As part of this survey, one archaeological site (34BL144) was recorded at the extreme south end of government property, south of the dam. The firm that conducted the field work, engineering-environmental Management, Inc. (e<sup>2</sup>M), recommended that 34BL144 not be considered eligible for listing on the National Register. We agree with the assessment of 34BL144 as an ineligible site.

In 2006 Tulsa District again contracted with e<sup>2</sup>M to conduct an archaeological survey of all government property below the dam, and additional property immediately west of the dam and immediately south of the recreation area (see enclosed report). Additionally, ground penetrating radar (GPR) was utilized on the north and east sides of the historic cemetery in an effort to identify graves that might lie outside cemetery boundaries and flag them for avoidance. Finally, two standing structures to the immediate west of the dam, the Overlook building and the Overlook Café, were evaluated for eligibility to the National Register.

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The proposed spillway construction is being planned in such a way that the Overlook building will be avoided. However, we believe the changes to the landscape will constitute an adverse visual effect to this structure. As previously discussed with SHPO dating back to 2001, we believe the proposed spillway construction and embankment modification will constitute an adverse effect to the dam. We wish to resolve these adverse effects by executing an MOA with the Oklahoma State Historic Preservation Office (SHPO) and the Oklahoma Archeological Survey (OAS).

We request that you advise Tulsa District of the Advisory Council's expected role in the Section 106 consultation process for this federal undertaking. Any guidance or assistance you may provide will be greatly appreciated. If you have any questions, please contact Mr. Ken Shingleton at 918-669-7661.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. Nolen", with a long horizontal flourish extending to the right.

Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4609

REPLY TO  
ATTENTION OF

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Clifford McKenzie, Chairperson  
Kiowa Indian Tribe of Oklahoma  
P.O. Box 369  
Carnegie, OK 73015

Dear Chairperson McKenzie:

This letter is to initiate Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

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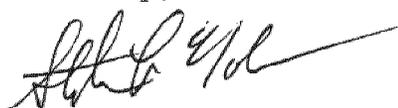
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Sincerely,

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Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



DEPARTMENT OF ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101<sup>ST</sup> EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

February 22, 2001

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Dr. Bob Blackburn  
State Historic Preservation Officer  
Oklahoma Historical Society  
2704 Villa Prom  
Shepherd Mall  
Oklahoma City, OK 73107

Dear Dr. Blackburn:

This letter is to initiate consultation pursuant to Section 106 of the National Historic Preservation Act of 1966 concerning the National Register of Historic Places eligibility of Canton Lake Dam in Blaine County, Oklahoma, and the potential effects of the construction of a fusegated spillway in a portion of this dam (your file #0086-01).

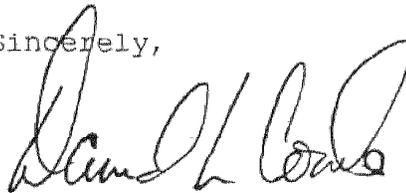
Canton Lake Dam is a 15,140 foot long rolled earthfill structure with a 640 foot gated concrete spillway and sixteen 40x25 foot tainter gates. Constructed between 1940 and 1948, the dam is one of the earlier dams constructed by the U.S. Army Corps of Engineers (USACE) in the State of Oklahoma and an important unit in the general flood control plan for the North Canadian River. Canton Lake Dam is considered to be eligible for listing on the National Register of Historic Places (NRHP) under Criteria A for its association with the implementation of the 1936 Flood Control Act and the resulting involvement of the Federal Government and the USACE in providing flood control and multipurpose river basin development to the United States. Canton Lake Dam is also considered to be eligible for the NRHP under Criteria C as an early example of a rolled earthfill dam with tainter gate discharge constructed by the USACE in the State of Oklahoma. To assist you in your determination of eligibility of Canton Lake Dam, we have enclosed a completed Historic Preservation Resource Identification Form for the property along with plans and current photographs. We request your comment on our opinion of eligibility regarding this historic property.

In order to prevent a potential catastrophic dam failure, we are proposing to construct a fusegated concrete spillway platform within the existing earthfill embankment of the Canton Lake Dam (see enclosed illustration of a representative fusegated system). The proposed fusegated system will consist of a concrete lined spillway approximately 1350 feet in width and up to 25 feet in depth. Within this concrete spillway, a set of independent fusegates will be placed. These fusegates will start to overturn in a predetermined order when a flood of significant magnitude occurs. This arrangement allows for a progressive release of water during a major flood event, thereby preventing a catastrophic failure of the entire dam. The exact location of the fusegated spillway on the dam is unknown at this time, but will be constructed somewhere within the earthen portion of the dam.

Because of the visual impact that construction of the fusegated spillway will have on the dam, we feel that the construction of a fusegated spillway at Canton Lake Dam will have an adverse effect on the historic characteristics of this property. We propose to mitigate the adverse effects of the proposed fusegated spillway at Canton Lake Dam by making copies of the as-built construction drawings of the dam and associated buildings and features at reduced scale on mylar and undertaking photographic and archival documentation of the dam following the general standards identified for Historic American Building Survey/Historic American Engineering Record (HABS/HAER) Level II documentation (see enclosed draft Memorandum of Agreement). We request your comments on our opinion of effect and proposed mitigation of effect regarding this project.

If you have any questions, please contact Mr. Louis Vogele, Archeologist, at 918-669-4934.

Sincerely,



David L. Combs  
Chief, Environmental Analysis and  
Compliance Branch

Enclosures



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4609

REPLY TO  
ATTENTION OF

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Jim Gray, Principal Chief  
Osage Nation of Oklahoma  
P.O. Box 779  
Pawhuska, OK 74056

Dear Chief Gray:

This letter is to initiate Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

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Another associated feature of the project will include a seepage control berm along the toe of the dam embankment. For a number of years the embankment has been producing seepage, enough in fact to create an artificial wetland. In a PMF, existing dam seepage poses a significant risk to the structure.

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Stephen L. Nolen  
Chief, Environmental Analysis  
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Enclosures



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DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4809

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Kelly Haney, Chief  
Seminole Nation of Oklahoma  
P.O. Box 1498  
Wewoka, OK 74884

Dear Chief Haney:

This letter is to initiate Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

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State Historic Preservation Officer  
Oklahoma Historical Society  
Oklahoma History Center  
2401 N. Laird Ave.  
Oklahoma City, OK 73105-7914

Dear Dr. Blackburn:

This letter is to continue Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

Our last correspondence (enclosed) on this project was conducted in February and March of 2001 (SHPO File #0086-01). At that time, we agreed that the Canton Dam is eligible for listing on the National Register under criteria A and C, and that the spillway improvement project constituted an adverse effect. Furthermore, we tentatively agreed on actions to resolve the adverse effect on the dam, which included copies of as-built construction drawings, photographic documentation, and development of a historic context. Once the alignment of the spillway was finalized, we were to provide drawings to you for review and then finalize and execute a Memorandum of Agreement (MOA).

Since 2001, a number of spillway alternatives have been considered based primarily on engineering, environmental, and real estate issues. Now in 2006 the project that is taking shape is different in certain technical aspects. As currently planned, the spillway will be located on the southwest side of the dam (see enclosed figure). It will still function via fuse gates. In addition to placement of the spillway around the southwest end of the dam, Highway 58A will be re-routed slightly to accommodate the structure. The re-routed highway will not impact the historic cemetery that is located on government property west of Canton Dam.

Another associated feature of the project will include a seepage control berm along the toe of the dam embankment. For a number of years the embankment has been producing seepage, enough in fact to create an artificial wetland. In a PMF,

existing dam seepage poses a significant risk to the structure. All berm material will come from adjacent, government-owned land, including the spillway excavation area and other borrow areas located below the dam.

In order to comply with Section 106 requirements, two archaeological surveys have been recently completed in the area surrounding the Canton Lake dam. The first, conducted in 2004, focused on a survey of the Canadian recreation area to the immediate west of the dam (enclosed). As part of this survey, one archaeological site (34BL144) was recorded at the extreme south end of government property, south of the dam. The firm that conducted the field work, engineering-environmental Management, Inc. (e<sup>2</sup>M), recommended that 34BL144 not be considered eligible for listing on the National Register. We agree with the assessment of 34BL144 as an ineligible site.

In 2006 Tulsa District again contracted with e<sup>2</sup>M to conduct an archaeological survey of all government property below the dam, and additional property immediately west of the dam and immediately south of the recreation area (see enclosed report). Additionally, ground penetrating radar (GPR) was utilized on the north and east sides of the historic cemetery in an effort to identify graves that might lie outside cemetery boundaries and flag them for avoidance. Finally, two standing structures to the immediate west of the dam, the Overlook building and the Overlook Café, were evaluated for eligibility to the National Register.

In the 2006 investigation, two historic archaeological sites - 34BL164 and 34BL165 - were recorded. Both sites are historic artifact scatters that e<sup>2</sup>M has recommended as not eligible for listing on the National Register. Of the standing structures, the Overlook Café was recommended as not eligible for the Register, while the Overlook building was considered eligible for the Register under Criterion C (see report). We agree with these recommendations, that 34BL164, 34BL165, and the Overlook Café are not eligible for the Register, but that the Overlook building is eligible under Criterion C. However, we also believe the Overlook building is eligible under Criterion A based on its association with the dam itself, which is an eligible structure.

The proposed spillway construction is being planned in such a way that the Overlook building will be avoided. However, we believe the changes to the landscape will constitute an adverse visual effect to this structure. As previously discussed dating back to 2001, we believe the proposed spillway construction and embankment modification will constitute an adverse effect to the dam. In order to comply with Section 106, we will notify the Advisory Council of these determinations and accordingly forward

you this correspondence and the Council's response. Additionally, we wish to continue toward resolution of these adverse effects by executing an MOA with the Oklahoma State Historic Preservation Office (SHPO) and the Oklahoma Archeological Survey (OAS).

We request your comment on (1) the adequacy of these cultural resources investigation reports; (2) our determinations of eligibility; and (3) our determinations of adverse effect. If you have any questions, please contact Mr. Ken Shingleton at 918-669-7661.

Sincerely,



Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4609

REPLY TO  
ATTENTION OF

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Dr. Robert Brooks  
State Archaeologist  
Oklahoma Archeological Survey  
111 E. Chesapeake  
Norman, OK 73019

Dear Dr. Brooks:

This letter is to continue Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

Our last correspondence (enclosed) on this project was conducted in February and March of 2001 with the Oklahoma State Historic Preservation Office (SHPO). At that time, we and SHPO agreed that the Canton Dam is eligible for listing on the National Register under criteria A and C, and that the spillway improvement project constituted an adverse effect. Furthermore, we tentatively agreed on actions to resolve the adverse effect on the dam, which included copies of as-built construction drawings, photographic documentation, and development of a historic context. Once the alignment of the spillway was finalized, we were to provide drawings for review and then finalize and execute a Memorandum of Agreement (MOA).

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Another associated feature of the project will include a seepage control berm along the toe of the dam embankment. For a number of years the embankment has been producing seepage, enough in fact to create an artificial wetland. In a PMF, existing dam seepage poses a significant risk to the structure.

All berm material will come from adjacent, government-owned land, including the spillway excavation area and other borrow areas located below the dam.

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In 2006 Tulsa District again contracted with e<sup>2</sup>M to conduct an archaeological survey of all government property below the dam, and additional property immediately west of the dam and immediately south of the recreation area (see enclosed report). Additionally, ground penetrating radar (GPR) was utilized on the north and east sides of the historic cemetery in an effort to identify graves that might lie outside cemetery boundaries and flag them for avoidance. Finally, two standing structures to the immediate west of the dam, the Overlook building and the Overlook Café, were evaluated for eligibility to the National Register.

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The proposed spillway construction is being planned in such a way that the Overlook building will be avoided. However, we believe the changes to the landscape will constitute an adverse visual effect to this structure. As previously discussed dating back to 2001, we believe the proposed spillway construction and embankment modification will constitute an adverse effect to the dam. In order to comply with Section 106, we will notify the Advisory Council of these determinations and accordingly forward you this correspondence and the Council's

response. Additionally, we wish to continue toward resolution of these adverse effects by executing an MOA with the Oklahoma State Historic Preservation Office (SHPO) and the Oklahoma Archeological Survey (OAS).

We request your comment on (1) the adequacy of these cultural resources investigation reports; (2) our determinations of eligibility; and (3) our determinations of adverse effect. If you have any questions, please contact Mr. Ken Shingleton at 918-669-7661.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. Nolen", with a long, sweeping horizontal stroke extending to the right.

Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4609

REPLY TO  
ATTENTION OF

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Gary McAdams, President  
Wichita and Affiliated Tribes of Oklahoma  
P.O. Box 729  
Anadarko, OK 73005

Dear President McAdams:

This letter is to initiate Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

Our last correspondence (enclosed) on this project was conducted in February and March of 2001 with the Oklahoma State Historic Preservation Office (SHPO). At that time, we and SHPO agreed that the Canton Dam is eligible for listing on the National Register of Historic Places (NRHP) under criteria A and C, and that the spillway improvement project constituted an adverse effect. Furthermore, we tentatively agreed on actions to resolve the adverse effect on the dam, which included copies of as-built construction drawings, photographic documentation, and development of a historic context. Once the alignment of the spillway was finalized, we were to provide drawings for review and then finalize and execute a Memorandum of Agreement (MOA).

Since 2001, a number of spillway alternatives have been considered based primarily on engineering, environmental, and real estate issues. Now in 2006 the project that is taking shape is different in certain technical aspects. As currently planned, the spillway will be located on the southwest side of the dam (see enclosed figure). It will still function via fuse gates. In addition to placement of the spillway around the southwest end of the dam, Highway 58A will be re-routed slightly to accommodate the structure. The re-routed highway will not impact the historic cemetery that is located on government property west of Canton Dam.

Another associated feature of the project will include a seepage control berm along the toe of the dam embankment. For a number of years the embankment has been producing seepage, enough in fact to create an artificial wetland. In a PMF, existing dam seepage poses a significant risk to the structure.

All berm material will come from adjacent, government-owned land, including the spillway excavation area and other borrow areas located below the dam.

In order to comply with Section 106 requirements, two archaeological surveys have been recently completed in the area surrounding the Canton Lake dam. The first, conducted in 2004, focused on a survey of the Canadian recreation area to the immediate west of the dam (enclosed). As part of this survey, one archaeological site (34BL144) was recorded at the extreme south end of government property, south of the dam. The firm that conducted the field work, engineering-environmental Management, Inc. (e<sup>2</sup>M), recommended that 34BL144 not be considered eligible for listing on the National Register. We agree with the assessment of 34BL144 as an ineligible site.

In 2006 Tulsa District again contracted with e<sup>2</sup>M to conduct an archaeological survey of all government property below the dam, and additional property immediately west of the dam and immediately south of the recreation area (see enclosed report). Additionally, ground penetrating radar (GPR) was utilized on the north and east sides of the historic cemetery in an effort to identify graves that might lie outside cemetery boundaries and flag them for avoidance. Finally, two standing structures to the immediate west of the dam, the Overlook building and the Overlook Café, were evaluated for eligibility to the National Register.

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The proposed spillway construction is being planned in such a way that the Overlook building will be avoided. However, we believe the changes to the landscape will constitute an adverse visual effect to this structure. As previously discussed with SHPO dating back to 2001, we believe the proposed spillway construction and embankment modification will constitute an adverse effect to the dam. We wish to continue toward resolution of these adverse effects by executing an MOA with the Oklahoma

State Historic Preservation Office (SHPO) and the Oklahoma Archeological Survey (OAS).

Please review this area for information that you may be willing to share with us on archaeological or historic sites, sacred sites, or traditional cultural properties that may be significant to you. Information you may be able to provide will assist us in assessing the effects of the proposed project on cultural resources. Additionally, we welcome your comments on this project. If you have any questions, please contact Mr. Ken Shingleton at 918-669-7661.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. Nolen", with a long, sweeping horizontal stroke extending to the right.

Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4609

REPLY TO  
ATTENTION OF

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Darrell Flyingman, Chairperson  
Cheyenne-Arapaho Tribes of Oklahoma  
P.O. Box 38  
Concho, OK 73022

Dear Chairperson Flyingman:

This letter is to initiate Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

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Sincerely,

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Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101 EAST AVENUE  
TULSA OK 74128-4609

REPLY TO  
ATTENTION OF

September 14, 2006

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. A.D. Ellis, Principal Chief  
Muscogee (Creek) Nation of Oklahoma  
P.O. Box 580  
Okmulgee, OK 74447

Dear Chief Ellis:

This letter is to initiate Section 106 consultation for a federal undertaking at Canton Lake, Blaine County, Oklahoma. The U.S. Army Corps of Engineers, Tulsa District is planning a spillway improvement project for the Canton Lake dam in order to ensure the structure is capable of withstanding a Probable Maximum Flood (PMF). Currently, the dam and spillway are not capable of handling a PMF event and there is considerable risk of structural failure.

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existing dam seepage poses a significant risk to the structure. All berm material will come from adjacent, government-owned land, including the spillway excavation area and other borrow areas located below the dam.

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The proposed spillway construction is being planned in such a way that the Overlook building will be avoided. However, we believe the changes to the landscape will constitute an adverse visual effect to this structure. Likewise, and as previously discussed with SHPO dating back to 2001, we believe the proposed spillway construction and embankment modification will constitute an adverse effect to the dam. We wish to continue toward resolution of these adverse effects by executing an MOA



## Oklahoma Historical Society

Founded May 27, 1893

### State Historic Preservation Office

Oklahoma History Center • 2401 North Laird Ave. • Oklahoma City, OK 73105-7914  
(405) 521-6249 • Fax (405) 522-0816 • [www.okhistory.org/shpo/shpom.htm](http://www.okhistory.org/shpo/shpom.htm)

October 4, 2006

Mr. Stephen Nolen, Chief  
Environmental compliance Branch  
Tulsa District corps of Engineers  
1645 South 101st East Avenue  
Tulsa, OK 74128

RE: File #2717-06; Canton Lake Dam, COE Spillway Modification  
Project, Blaine County, Oklahoma

Dear Mr. Nolen:

We have reviewed the latest documentation submitted on the above referenced undertaking. We concur with your opinion that the overlook building is eligible for the National Register of Historic Places. However, because the building is tied contextually to Canton Lake Dam (eligible for the National Register under Criteria A and C), it is a contributing resource to the Dam and is not individually eligible. Additionally, the restaurant is not eligible for the National Register.

We further concur with your assessment that the undertaking as proposed will still result in an adverse effect. Consequently, as discussed previously, we need to develop an Memorandum of Agreement (MOA) that outlines measures that will be implemented to help offset or mitigate the adverse effect. This may include providing us with copies of as-built construction drawings, photographic documentation, as well as development of a historic context.

As you know, you must notify the Advisory Council on Historic Preservation (ACHP) of the adverse effect and determine whether or not they wish to participate in the consultation. Once you know if the Council wants to be involved, we can proceed with development of the MOA.

We are responding by way of separate letter (and file number) in reference to the second report submitted (e2M June 2206 report), since it addresses work conducted within reservoirs other than Canton (i.e. Eufaula and Sardis in Oklahoma).

Thank you for the opportunity to review this project. If you have any questions, please call Charles Wallis, RPA, Historical Archeologist, at 405/521-6381. Please reference the above underlined file number when responding. Thank you.

Sincerely,

Melvena Heisch  
Deputy State Historic  
Preservation Officer



## Oklahoma Historical Society

Founded May 27, 1895

State Historic Preservation Office • 2704 Villa Prom • Shepherd Mall • Oklahoma City, OK 73107-2441

Telephone 405/521-6249 • Fax 405/947-2918

March 21, 2001

Mr. David Combs, Chief  
Environmental Analysis & Compliance  
Tulsa District Corps of Engineers  
1645 South 101st East Avenue  
Tulsa, OK 74128-4609

RE: File #0086-01; Canton Lake Dam, Proposed Fusegated Concrete  
Spillway Platform Project

Dear Mr. Combs:

We concur with your opinion that the above referenced project will have an adverse effect on the Canton Lake Dam, a property determined eligible for listing on the National Register of Historic Places.

We also find that the proposed mitigation of the adverse effect as represented by the draft Memorandum of Agreement to be acceptable. The final location of the proposed fusegated spillway must be determined and submitted to us for review prior to processing the Memorandum of Agreement. After the review of the final location of the new spillway, you may finalize the Memorandum of Agreement and forward it to us for signature.

After the execution of the Memorandum of Agreement, you will have concluded the consultation with the State Historic Preservation Office in accordance with 36 CFR Part 800. To complete the process, however, you must file the executed Memorandum of Agreement and supporting documentation concerning the project [36 CFR Part 800.6(b)(1)(iv)] with the Advisory Council on Historic Preservation @ 12136 West Bayaud Avenue, Ste. #330, Lakewood CO 80228. Thank you.

Sincerely,

Melvena Heisch  
Deputy State Historic  
Preservation Officer

MH:pm



## Oklahoma Historical Society

Founded May 27, 1893

State Historic Preservation Office • 2704 Villa Prom • Shepherd Mall • Oklahoma City, OK 73107-2441  
Telephone 405/521-6249 • Fax 405/947-2918

March 21, 2001

Mr. David Combs, Chief  
Environmental Analysis & Compliance  
Tulsa District Corps of Engineers  
1645 South 101st East Avenue  
Tulsa, OK 74128-4609

RE: File #0086-01-01; Canton Lake Dam Project, Blaine County

Dear Mr. Combs:

We have received and reviewed the documentation on the referenced project. We concur with your opinion that the property is eligible for the National Register of Historic Places under Criteria A & C, as an important, early representative of the Corps of Engineers flood control mission and for its engineering design.

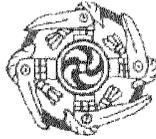
We appreciate the opportunity to comment on this project and look forward to working with you in the future.

Should further correspondence pertaining to this project be necessary, the above underlined file number must be referenced. If you have any questions, please contact Mr. Jim Gabbert, Architectural Historian, at 405/522-4478.

Sincerely,

Melvena Heisch  
Deputy State Historic  
Preservation Officer

MH:pm



## Oklahoma Archeological Survey

THE UNIVERSITY OF OKLAHOMA

October 2, 2000

David L. Combs  
Chief, Environmental Analysis and Compliance Branch  
U.S. Army Corps of Engineers  
1645 South 101 East Avenue  
Tulsa, OK 74128-4629

**RE:** COE proposed fuse plug spillway on Canton Lake. Lake Legal Description: E1/2, E1/2, NW 1/4 and W 1/2, NE 1/4, Sec. 27 T19N R13W, Blaine County, Oklahoma.

Dear Mr. Combs:

The above referenced project has been reviewed by the Community Assistance Program staff of this agency to identify potential areas that may contain prehistoric or historic archaeological materials. The location of your project has been cross-checked with the state site files containing approximately 14,000 archaeological sites which are currently recorded for the state of Oklahoma. No sites are listed as occurring within your project area, and based on the topographic and hydrologic setting, no archaeological materials are likely to be encountered. Thus, an archaeological field inspection is not considered necessary. However, should construction activities expose buried archaeological materials such as chipped stone, tools, pottery, bone, historic crockery, glass, metal items or building materials, this agency should be contacted immediately at (405) 325-7211. A member of our staff will be sent to evaluate the significance of these remains.

This environmental review and evaluation is performed in order to locate, record, and preserve Oklahoma's prehistoric and historic cultural heritage in cooperation with the State Historic Preservation Office, Oklahoma Historical Society. In addition to our review comments, under 36CFR Part 800.3 you are reminded of your responsibility to consult with the appropriate Native American tribe/groups to identify any concerns they may have pertaining to this undertaking and potential impacts to properties of traditional and/or ceremonial concerns. Thank you.

Sincerely,

  
Vicki Wedel  
Staff Archaeologist

  
Robert L. Brooks  
State Archaeologist

:sh

cc: SHPO  
Louis Vogel



## Oklahoma Archeological Survey

THE UNIVERSITY OF OKLAHOMA

September 20, 2006

Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4609

Re: Proposed modifications to the spillway improvements project at  
Canton Lake. Legal Description: Sections 22, 27-29, 32-33 T19N  
R13W, Blaine Country, Oklahoma.

Dear Mr. Nolen:

I have reviewed the documentation provided in respect to changes in the proposed modification of Canton Lake to ensure capability to withstand a probable maximum flood. This documentation included reports on cultural resource inventories to the south and west of the dam, deep trenching to the west of the dam, and ground penetrating radar results at the nearby Cheyenne cemetery. The cultural resource inventories of 1268 acres in areas that would be potentially affected by construction resulted in the documentation of three archaeological sites (34BL144, 34BL164, and 34BL165) and two historic structures (the Overlook and Overlook Café). The dam at Canton Lake had been previously determined eligible to the National Register.

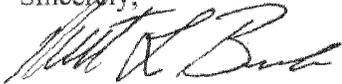
Site 34BL144 represents mixed prehistoric and historic deposits discovered in area disturbed by borrow operations southwest of the dam axis. I concur with e2M's assessment that 34BL144 does not hold the content or context to meet National Register eligibility criteria. Sites 34BL164 and 34BL165 are historic occupations. **I defer comment on the potential eligibility of these sites and project effect to the Historic Archaeologist with the State Historic Preservation Office. I also defer comment on the historic Overlook and Overlook Café structures to the Historic Preservation Office.** I also note that we lack the site forms for 34BL144, 34BL164, and 34BL165. These need to be submitted to complete the documentation process.

Deep testing of soils on the west side of the dam where the proposed spillway and fuse gates will be placed was accomplished through excavation of two track-hoc trenches. These revealed no evidence of deeply buried cultural deposits. Soils dating to the last 8000-9000 years are present to a depth of .4 meter. Beyond this depth are older pre-Holocene deposits.

Ground penetrating radar of the Cheyenne and Arapaho cemetery was undertaken due to road modifications that will be necessary in the project. The gpr work was conducted by Geophysical Investigations of Denver Colorado. Their analysis revealed no graves outside cemetery boundaries to the north and east where disturbance is likely. It appears that graves reside within the defined cemetery boundaries and an inside berm to the cemetery.

I concur with these findings (or defer comment) and await further communication on the status of a Memorandum of Agreement for treatment of adverse effects for the spillway project. This review has been conducted in cooperation with the State Historic Preservation Office, Oklahoma Historical Society.

Sincerely,



Robert L. Brooks  
State Archaeologist

Cc: SIPO  
Cheyenne and Arapaho Tribes  
Wichita and Affiliated Tribes  
E2M



# Oklahoma Historical Society

Founded May 27, 1893

State Historic Preservation Office • 2704 Villa Prom • Shepherd Mall • Oklahoma City, OK 73107-2441  
Telephone 405/521-6249 • Fax 405/947-2918

October 6, 2000

Mr. David Combs, Chief  
Environmental Analysis & Compliance  
Tulsa District Corps of Engineers  
1645 South 101st East Avenue  
Tulsa, OK 74128-1609

RE: File #0086-01; Canton Lake Proposed Dam Safety Project

Dear Mr. Combs:

We have received and reviewed the documentation concerning the referenced project in Blaine County. Additionally, we have examined the information contained in the Oklahoma Landmarks Inventory (OLI) files and other materials on historic resources available in our office. We find that there are no historic properties affected by the referenced project.

Thank you for the opportunity to comment on this project. We look forward to working with you in the future.

Should further correspondence pertaining to this project be necessary, the above underlined file number must be referenced. Thank you.

Sincerely,

Melvena Heisch  
Deputy State Historic  
Preservation Officer

MH:pm



## Oklahoma Archeological Survey

THE UNIVERSITY OF OKLAHOMA

February 9, 2001

David L. Combs  
Chief, Environmental Analysis and  
Compliance Branch  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4609

Re: Draft Environmental Assessment- Modification of the Existing Embankment  
at Canton Lake, Blaine County, Oklahoma.

Dear Mr. Combs:

I have completed a review of the above referenced undertaking. A review of our files indicates that there are no known or previously recorded archaeological sites within the project area. However, as acknowledged in the EA, the dam or embankment is eligible for the National Register and a Determination of Eligibility should be sought (if it has not been done previously). I defer comment on proposed modification of the dam to the State Historic Preservation Office. There is, though, another issue concerning work on the dam. Because of its early date of construction for Canton Lake, there was no cultural resource evaluation of the project. Since that time, there have been sporadic surveys at Canton Lake but our files reveal that no work has been in the dam vicinity. While modification of the dam would obviously not affect archaeological sites, use of staging areas or other activities off-dam could potentially disturb archaeological/historical resources. It is my opinion that a heritage inventory be conducted for any off-dam use areas for the project. This heritage inventory should include consultation with the Cheyenne & Arapaho Tribe.

This review has been conducted in cooperation with the State Historic Preservation Office, Oklahoma Historical Society.

Sincerely,

Robert L. Brooks  
State Archaeologist

Cc: SHPO