

# Advisory Council On Historic Preservation

1522 K Street, NW  
Washington, DC 20005

## MEMORANDUM OF AGREEMENT

WHEREAS, the Nuclear Regulatory Commission (NRC) proposes to permit the proposed construction of a 230kV transmission line and to expand an existing corridor for River Bend Nuclear Station Units 1 and 2; and,

WHEREAS, NRC, in consultation with the Louisiana State Historic Preservation Officer (SHPO), has determined that this undertaking as proposed would have an adverse effect upon Port Hudson National Historic Landmark, a property included in the National Register of Historic Places; and,

WHEREAS, pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended, 90 Stat. 1320) and Section 800.4(d) of the regulations of the Advisory Council on Historic Preservation (Council), "Protection of Historic and Cultural Properties" (36 CFR Part 800), NRC has requested the comments of the Council; and,

WHEREAS, pursuant to Section 800.6 of the Council's regulations, representatives of the Council, NRC and the Louisiana SHPO have consulted and reviewed the undertaking to consider feasible and prudent alternatives to avoid or satisfactorily mitigate the adverse effect;

NOW, THEREFORE, it is mutually agreed that the undertaking will be implemented in accordance with the following stipulations to avoid or satisfactorily mitigate adverse effects on the above-mentioned property;

### Stipulations

NRC will ensure that the following measures are carried out.

1. Within the precepts of sound engineering principles, design considerations for the placement of the support towers within the expanded corridor will attempt to achieve maximum distance between the Civil War breastworks and the individual towers. Minimum distance between any construction activities and sites 3 through 7 will be at least 25 feet.
2. Specifically, the construction program will require the following measures:
  - a. No bull dozing or heavy equipment will be allowed within 25 feet of any breastworks, nor will any structural foundations be located within this 25 foot area. Furthermore, this area will be flagged prior to clearing and all clearing within the flagged area will be by hand-operated equipment such as chain saws. All trees will be cut 12" above grade and felled trees will be dragged from the

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area for disposal. To prevent a "plowing effect", felled trees with a diameter of 6 inches or more will be cut into sections prior to being dragged from the area.

- b. A professional archeologist will be present to monitor all clearing and construction activities between 1200 feet north and 300 feet south of site #3; between 650 feet north of site #6 and 1600 feet southeast of site #4; and between 450 feet north and 450 feet south of site #7. Subsurface disturbances within close proximity of sites 3 through 7, as well as any subsurface terrain alteration occurring within the limits of the Landmark, will be monitored by a professional archeologist.
  - c. If any artifacts or potential artifacts are discovered within the Port Hudson Battlefield National Historic Landmark boundaries, clearing or construction activities will be stopped within a 25 foot radius of the find until the SHPO has been notified and his approval to resume activities within that radius has been given.
3. The existing access/service roadway will be utilized for construction of the new transmission line and its right-of-way whenever possible. If a new access roadway must be established, the SHPO shall be notified prior to creating the roadway. NRC will ensure that representatives of the utility company and the SHPO or his staff will confer regarding the necessary steps, if any, to prevent or minimize additional adversity against cultural resources which may be present. Construction of the new access roadway will not commence until clearance is provided by the SHPO. If the SHPO and the utility company representative cannot come to an agreement regarding avoidance or mitigation of adversity on any cultural resources, NRC will request the Council's comments in the matter.
  4. Failure to carry out the terms of this Agreement requires that the NRC again request the Council's comments in accordance with 36 CFR Part 800. If the NRC cannot carry out the terms of the Agreement, it shall not take or sanction any action or make any irreversible commitment that would result in an adverse effect with respect to National Register of eligible properties covered by the Agreement or would foreclose the Council's consideration of modifications or alternatives to the construction of the 230kV transmission line and the expansion of the existing corridor for River Bend Nuclear Station Units 1 and 2.
  5. If any of the signatories to this Agreement determine that the terms of the Agreement cannot be met or believes a change is necessary, that signatory shall immediately request the consulting parties to consider an amendment or addendum to the Agreement. Such an amendment or addendum shall be executed in the same manner as the original Agreement.
  6. Within 90 days after carrying out the terms of the Agreement, NRC shall provide a written report to all signatories to the Agreement on the actions taken to fulfill the terms of the Agreement.

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Memorandum of Agreement  
Nuclear Regulatory Commission  
River Bend Nuclear Station

Robert Gawry July 30, 1980  
Executive Director  
Advisory Council on Historic Preservation

W. H. Reardon (date) July 31, 1980  
Chief, Siting Analysis Branch  
Nuclear Regulatory Commission

Paul DeBlasio (date) Aug 4, 1980  
Louisiana State Historic Preservation  
Officer

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(date)  
Chairman  
Advisory Council on Historic Preservation