

**MEMORANDUM OF AGREEMENT
BETWEEN
UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE
AND THE
OKLAHOMA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE DEMOLITION AND REPLACEMENT OF
BRIDGE A SOAP SUDS SOUTH
FORT RENO, CANADIAN COUNTY, OKLAHOMA**



WHEREAS, the USDA, ARS, uses and manages the Grazinglands Research Laboratory (GRL) at Fort Reno in El Reno, Oklahoma, in the administration of its Grazinglands Research Laboratory programs; and

WHEREAS, the United States Department of Agriculture Agricultural Research Service (USDA ARS) plans to carry out the demolition and replacement of Bridge A Soap Suds South at Fort Reno, Canadian County, Oklahoma (undertaking); and

WHEREAS, USDA ARS has defined the undertaking's area of potential effect (APE) as Bridge A Soap Suds South, Fort Reno, Canadian County, Oklahoma, NE ¼ SW ¼ SE ¼ of Section 27, T13N, R8W; and

WHEREAS, USDA ARS has determined that the undertaking will have an adverse effect on Bridge A Soap Suds South, which has been determined to be eligible for listing in the National Register of Historic Places for the role of prisoner-of-war labor used for the bridge's construction in 1945, as indicated by the "POW" stamp on the bridge's south retaining wall and has consulted with the Oklahoma Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, a portion of the archaeological site, the Fort Reno Scouts Camp (34CN139), which has been determined eligible for listing in the National Register of Historic Places, is located within the direct area of potential effect of the construction staging area and USDA ARS has determined that the undertaking may have an adverse effect on the site and will take measures as outlined in the following stipulations and Appendix B for post-review discoveries to minimize any adverse effects to 34CN139; and

WHEREAS, for logistical and budgetary reasons, the SHPO and the Oklahoma Archeological Survey (OAS) operate under a cooperative agreement approved by the National Park Service through which OAS formally participates in the Section 106 process. OAS maintains the site files for Oklahoma's archeological resources and provides professional expertise in prehistoric archeology to the SHPO. Therefore, federal agencies (or their designees/authorized representatives) submit their requests for comments on federal undertakings to both the SHPO and the OAS. OAS reviews projects for possible impacts of ground-disturbing activities on prehistoric archeological resources. Both the SHPO and OAS issue letters to the requesting

agency and the language of the letters is coordinated to ensure the agency has documentation of its Section 106 consultation with the SHPO. Therefore, the OAS is an invited signatory to this agreement; and

WHEREAS, USDA ARS has consulted with the Cheyenne and Arapaho Tribes and determined that no property of traditional religious cultural significance will be affected by the undertaking; additional notices were sent to Eastern Oklahoma Indian Affairs for comments; and no feedback was received.

WHEREAS, ARS has posted a notice in the local paper for public comments and no comments were received regarding this undertaking. The notice was published weekly for 5 weeks in the El Reno Tribune, a local publication.

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), USDA ARS has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, USDA ARS and the SHPO 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

USDA ARS shall ensure that the following measures are carried out:

I. PROFESSIONAL STANDARDS.

USDA ARS shall ensure that all work carried out pursuant to this MOA shall be done by or under the direct supervision of historic preservation professionals who meet the Secretary of the Interior's Professional Qualifications Standards (SOI). USDA ARS shall ensure that all archaeological work is overseen by a Principal Investigator who meets or exceeds the SOI and has at least 12 months of professional regional field experience of which 3 months shall be in Oklahoma or adjoining states. USDA ARS shall ensure that all bridge documentation work is overseen by a Principal Investigator who meets or exceeds the SOI and has at least 12 months of professional regional field experience of which 3 months shall be in Oklahoma or adjoining states.

II. DOCUMENTATION.

Prior to the demolition of Bridge A Soap Suds South and construction of the new bridge, USDA ARS will record the existing bridge at the equivalent of Level III documentation as specified by the Historic American Engineering Record (HAER).

A. Provide high Quality, high resolution photographs of the bridge, documenting its present

appearance and structural/decorative details along with color digital photographs. Image format shall be first generation Tag image file format (TIFF) or RAW at a 300 dpi (2000x3000) labeled appropriately and secured in archival storage systems. Digital images shall be stored on archival gold CD as digital TIFF files that meet or exceed the minimum requirement for pixel depth. Photographs are to be submitted by USDA ARS and approved by SHPO as meeting the conditions outlined above before any work takes place that will affect the property. The photographs will be a minimum 4" x 6" and no larger than 8" x 10", and will be clearly labeled with the following HABS/HAER/HALS standards. The photograph key will include the following information for each photograph:

- a. Name of property
- b. Location (county, city, state, and street address)
- c. Name of photographer
- d. Date of photograph
- e. Location of photographic negative
- f. Indication of direction camera is pointing
- g. Number of photograph in series

B. Drawings of the bridge will include photographic reproduction of selected original (as-built) construction plans and historic photographs, if they exist. It will also include a modern sketch plan as the bridge is currently as well as the types of materials that were used in the construction of the bridge (local materials, etc.); information on any specific building and construction policies used for POW construction projects; and any changes that were made to the bridge through time.

C. Written documentation will include historic context of the POWs that were held at Ft. Reno.

D. All documentation will be edited, catalogued, and packaged in a manner acceptable to the HAER and SHPO. The SHPO will be one repository for the documentation, HABS/HAER/HALS will be the second repository for the documentation.

USDA ARS will provide all research documentation, research materials, copies of photographs, and HAER documentation of the bridge to the SHPO within three years of the execution of this MOA.

III. Historical Embossed Emblem

Prior to demolition of Bridge A Soap Suds South, the POW embossed emblem located on the wall near the south abutment shall be carefully saw cut to the dimensions 5'x2'-6" and removed. Emblem shall be relocated to the museum on site.

IV. 34CN139/ Fort Reno Scouts Camp

A. Prior to demolition of Bridge A Soap Suds South and construction of the new bridge, establish a construction buffer zone consisting of temporary fencing of the entire field on the north bank of the creek where no construction activities or equipment storage is to take place.

B. Per Stipulation I, archaeological monitoring shall be conducted by SOI qualified archaeologist of the earth disturbing activities during demolition and construction. See Appendix A for the archaeological monitoring plan.

C. In the case of historic properties disturbed by construction work, halt work, establish a buffer zone around the find and follow Appendix B for post review discoveries.

D. Daily archaeological monitoring log shall be kept and a report shall be completed that summarizes any new information that may have been documented about the site and an updated archaeological site form completed if necessary.

E. A report summarizing the archaeological monitoring activity and any updated or new archaeological sites forms completed for this activity will be completed and provided to the signatories for review and comment within six months of the completion of the field work.

F. Disposition of artifacts recovered from monitoring activities is covered in Appendix A.

V. POST-REVIEW DISCOVERIES

A. If properties are discovered that may be historically significant or have unanticipated effects on historic properties found, the USDA ARS shall implement the discovery plan included as Appendix B of this MOA.

B. Because this Project occurs on Federal land, in the case of an unanticipated discovery of human remains, funerary objects, sacred objects or objects of cultural patrimony, work shall immediately cease within a 100 foot radius of the area of discovery and the USDA ARS will follow the procedures outlined in the ACHPs *Policy Statement Regarding Treatment of Burial Sites, Human Remains, of Funerary Objects* (February 23, 2007), the procedures outlined by the Native American Graves Protection and Repatriation Act (NAGPRA) (43 CFR Part 10, Subpart B) and the Archeological Resources Protection Act (ARPA) of 1979 (43 CFR Part 7 and 18 CFR Part 1312). USDA ARS shall implement the discovery plan included as Appendix B of this MOA.

IV. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, USDA ARS may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

VI. MONITORING AND REPORTING

Each quarter following the execution of this MOA until it expires or is terminated, USDA ARS shall provide all parties to this MOA and the ACHP if desired a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in USDA ARS's efforts to carry out the terms of this MOA.

VII. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, USDA ARS shall consult with such party to resolve the objection. If USDA ARS determines that such objection cannot be resolved, USDA ARS will:

A. Forward all documentation relevant to the dispute, including the USDA ARS's proposed resolution, to the ACHP. The ACHP shall provide USDA ARS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, USDA ARS 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. USDA ARS will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, USDA ARS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USDA ARS 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. USDA ARS's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. TERMINATION

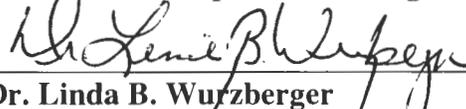
If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, USDA ARS must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USDA ARS shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the USDA ARS and SHPO and implementation of its terms evidence that USDA ARS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORY

United States Department of Agriculture – Agriculture Research Service

 Date 9/18/2018
Dr. Linda B. Wurzberger
Federal Preservation Officer and Chief
Real Property Management Branch

SIGNATORY

Oklahoma State Historic Preservation Office

 Date 8/13/2018
Dr. Bob Blackburn
State Historic Preservation Officer

INVITED SIGNATORY

Oklahoma Archeological Survey

 Date 9/5/2018
Dr. Kary Stackelbeck
State Archaeologist

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