

**MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE AND THE OKLAHOMA STATE
HISTORIC PRESERVATION OFFICER REGARDING THE SOUTHERN
PLAINS RANGE RESEARCH STATION, WOODWARD, OKLAHOMA**

WHEREAS, the United States Department of Agriculture (USDA), Agricultural Research Service (ARS), has determined that the execution of the Southern Plains Range Research Station Modernization Program (undertaking) will have an adverse effect on the USDA ARS Historic District, Woodward, Woodward County, Oklahoma, which was determined eligible for the National Register of Historic Places by consensus, and has consulted with the Oklahoma State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 and Section 110(f) of the National Historic Preservation Act (16 U.S.C. Section 470f); and

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

NOW, THEREFORE, the USDA, ARS and the Oklahoma 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

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

I. DOCUMENTATION

A. Building #16, a contributing resource within the USDA, ARS Historic District will be demolished. The Oklahoma SHPO shall consider the documentation for this building currently on file in its office, consisting of a completed "Historic Preservation Resource Identification Form" and accompanying photographs, as appropriate recordation of this small building.

B. USDA, ARS shall provide photographic documentation of the overall USDA ARS Historic District which shall include a sufficient number of streetscape photographs to illustrate the entire district's current condition and shall produce these photographs in accordance with requirements of the Historic American Buildings Survey (HABS), Level 3 documentation. USDA shall consult with the Oklahoma SHPO to determine the exact number of required photographs and to insure the quality of the final product. One (1) complete set of these photographic prints shall be provided to and accepted by the Oklahoma SHPO before any project work begins.

II. INFORMATIONAL BROCHURE

The USDA, ARS and the Oklahoma SHPO, as evidenced by their consensus determination of National Register eligibility, agree that the USDA, ARS Historic District is significant for its association with scientific research in the field of agriculture. The parties further agree that the Southern Plains Range Research Station Modernization Program, including rehabilitation of certain buildings, demolition of Building #16, and construction of new laboratory and office facilities, is necessary to the mission of the station and that these changes will significantly alter the integrity of the USDA, ARS Historic District's setting. Therefore, the USDA, ARS shall retain the services of a professional historian, who meets the Secretary of the Interior's Professional Qualification Standards in history or a closely related field, to develop an informational brochure that details the historical development of the Southern Plains Range Research Station. The brochure shall be professional in content and design. The USDA, ARS shall submit a draft of the completed brochure to the Oklahoma SHPO within 3 months of the effective date of this MOA, and the Oklahoma SHPO shall provide its written comments on the brochure within thirty (30) days of receipt of the draft. Upon receipt of the Oklahoma SHPO's comments, the USDA, ARS shall make necessary revisions and confirm the Oklahoma SHPO's approval of the brochure's final version before printing. The USDA, ARS shall print 500 copies of the brochure for free distribution from the Southern Plains Range Research Station and other appropriate locations and provide one hundred (100) copies to the Oklahoma SHPO within one (1) year of the effective date of this MOA.

III. DURATION.

This agreement will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the USDA, ARS may consult with the Oklahoma SHPO to reconsider the terms of the agreement and amend in accordance with Stipulation VI below.

IV. MONITORING AND REPORTING

Each year following the execution of this agreement until it expires or is terminated, the USDA, ARS shall provide to the Oklahoma SHPO 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 the USDA's efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered noncompliance with the terms of this MOA pursuant to Stipulation VI, below.

V. DISPUTE RESOLUTION

Should either party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the USDA, ARS shall consult with the Oklahoma SHPO to resolve the objection. If the USDA, ARS determines, within 30 days, that such objection(s) cannot be resolved, the USDA, ARS will:

A. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise the FDIC on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by the USDA, ARS in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the USDA, ARS may render a decision regarding the dispute. In reaching its decision, the USDA, ARS will take into account all comments regarding the dispute from the Oklahoma SHPO.

C. The USDA'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. The USDA, ARS will notify the Oklahoma SHPO of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. The USDA's decision will be final.

VI. AMENDMENTS AND NONCOMPLIANCE

If either signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other party to develop an amendment to this MOA pursuant to 36 CFR §§800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by the signatories is filed with the Council. If the signatories cannot agree

to appropriate terms to amend the MOA, either signatory may terminate the agreement in accordance with Stipulation VII, below.

VII. TERMINATION

If the MOA is not amended following the consultation set out in Stipulation VI., it may be terminated by either signatory. Within 30 days following termination, the USDA, ARS shall notify the Oklahoma SHPO if it will initiate consultation to execute an MOA with the Oklahoma SHPO under 36 CFR §800.6(c)(1) or request the comments of the Council under 36 CFR §800.7(a) and proceed accordingly.

Execution of this Memorandum of Agreement by the USDA, ARS and the Oklahoma SHPO, the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR Section 800.6(b)(1)(iv) prior to the USDA's approval of this undertaking, and implementation of its terms evidence that the USDA, ARS has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

SIGNATORIES:

United States Department of Agriculture

Agricultural Research Service


Charles A. Onstad, Area Director

Date 10/14/03

Oklahoma State Historic Preservation Officer


Bob L. Blackburn

State Historic Preservation Officer

Date 11/4/03