

## MEMORANDUM OF AGREEMENT

AMONG THE U.S. ENVIRONMENTAL PROTECTION AGENCY, OKLAHOMA STATE HISTORIC PRESERVATION OFFICER, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, OKLAHOMA ARCHAEOLOGICAL SURVEY, AND THE CITY OF MIDWEST CITY, REGARDING THE TREATMENT OF THE QUILLIN ARCHAEOLOGICAL SITE (34-OK-11), OKLAHOMA COUNTY, OKLAHOMA.

WHEREAS, the U.S. Environmental Protection Agency (EPA) has determined that the approval of grant assistance for the Midwest City Wastewater Treatment Plant Improvements, City of Midwest City, Oklahoma County, Oklahoma, (C-400663) will have an effect on the Quillin Archaeological Site (34-OK-11), a property listed on the National Register of Historic Places and has requested the comments of the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800).

NOW, THEREFORE, EPA, the Oklahoma State Historic Preservation Officer (SHPO) and the Council 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 EPA will amend the construction grant to incorporate by reference the following conditions for the construction of the expansion of the City of Midwest City's Northside Wastewater Treatment Plant, Oklahoma County, Oklahoma.

1. EPA will insure that a two-phase testing and data recovery plan (DRP) is developed and implemented at the Quillin Site prior to any disturbance of the site by construction. The City of Midwest City, and the Oklahoma State Department of Health (OSDH) representing EPA, in consultation with the Oklahoma SHPO, will develop a specific DRP that is consistent with Part III of the Council's "Treatment of Archeological Properties: A Handbook" (Handbook). The DRP will specify the threshold level of information and impact requiring the implementation of the additional data recovery phase. This specification shall be consistent with the principles detailed in Part I of the Handbook.
2. The DRP shall specifically incorporate plans for the recovery, analysis, and disposition of any human skeletal remains recovered during testing or data recovery. This portion of the DRP shall be consistent with current scientific and Federal standards and shall be developed in consultation with any affected American Indian groups.
3. The City of Midwest City, OSDH and EPA, in consultation with the Oklahoma SHPO, will develop measures for the protection of portions of the property (34-OK-11) which are outside of the construction area(s) which may be involved in secondary impacts for the expansion of the Northside Wastewater Treatment Plant.

4. The DRP shall be submitted to the SHPO and the Council for review and comment. Should the SHPO or the Council fail to respond in thirty days such failure shall not be cause for EPA to delay implementation of the DRP. Should either the SHPO or the Council object to all or part of the DRP, EPA shall consult with the objecting party in an effort to remove the objection. Should further consultation with the objecting party fail to result in mutually agreeable revisions to the DRP, EPA shall submit the DRP, together with the objecting party's comments to the Council. Within thirty days of the receipt of all pertinent documentation, the Council's Executive Director will either:

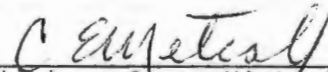
- a. refer the matter to the Chairman of the Council pursuant to 36 CFR Section 800.6(b)(7); or
- b. provide EPA with recommendations, which EPA shall take into account in developing the final DRP.

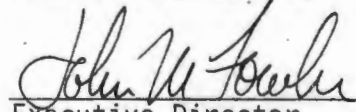
5. The construction of the proposed action shall be monitored by an archaeologist meeting the minimum standards specified in the Secretary of the Interior's Professional Qualification Standards (48 Federal Register 190:44738-44739).

6. Should previously unidentified historic properties be discovered during construction of the subject facilities, EPA shall halt all activities in the immediate vicinity of the discovery until such time as the requirements of 36 CFR Section 800.7 have been complied with.

Execution of this Memorandum of Agreement evidences that EPA has afforded the Council a reasonable opportunity to comment on the undertaking and its effects on historic properties and that EPA has taken into account the effects of its undertaking on historic properties.

  
U.S. Environmental Protection Agency June 5, 1985  
(date)

  
Oklahoma State Historic Preservation Officer May 28, 1985  
(date)

  
Executive Director 6/24/85  
Advisory Council on Historic Preservation (date)

*Tommy Mack* State Archaeologist May 28, 1985  
Oklahoma Archaeological Survey (date)

*Gene Leber* Mayor May 28, 1985  
City of Midwest City (date)

*Alexander Aldridge* Chairman  
Advisory Council on Historic Preservation

**Advisory  
Council On  
Historic  
Preservation**

SHPO:6K

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The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

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JUL 9 1985

Mr. Russell F. Rhoades  
Director  
Environmental Services Division  
U.S. Environmental Protection Agency  
Interfirst Two Building  
1201 Elm Street  
Dallas, TX 75270

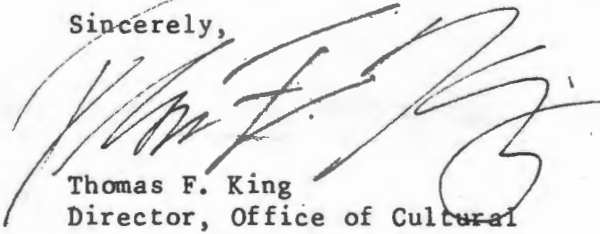
REF: Memorandum of Agreement, City of Midwest City, Oklahoma  
Wastewater Treatment Plant Expansion, Project Number: C-400663

Dear Mr. Rhoades:

The enclosed Memorandum of Agreement has been ratified by the Chairman of the Council. This document constitutes the comments of the Council required by Section 106 of the National Historic Preservation Act and the Council's regulations. A copy of the ratified Agreement has also been sent to the Oklahoma State Historic Preservation Officer, the Oklahoma State Archeologist and the Mayor of the City of Midwest City.

The Council appreciates your cooperation in reaching a satisfactory resolution of this matter.

Sincerely,



Thomas F. King  
Director, Office of Cultural  
Resource Preservation

Enclosure

RECEIVED

JUL 15 1985

-BY SHPO