

**MEMORANDUM OF AGREEMENT
BETWEEN
U.S. ARMY GARRISON FORT SILL
AND
THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICER**

**REGARDING THE MITIGATION OF BRAC RENOVATION ACTIONS ON NINE
HISTORIC PROPERTIES AT U.S. ARMY GARRISON FORT SILL
2007**

WHEREAS, The U.S. Army Garrison (Fort Sill) must complete numerous renovation projects in a timely manner to support the ongoing critical Base Realignment and Closure (BRAC) actions; and

WHEREAS, Fort Sill, due to internal staffing issues which delayed consultation with the Oklahoma State Historic Preservation Office (SHPO) in accordance with the timing requirements set forth in 36 CFR Part 800 (regulations implementing Section 106 of the National Historic Preservation Act as amended, 16 U.S.C. 470f), has requested that the SHPO expedite its review of these BRAC renovation actions, and the SHPO has agreed to assist Fort Sill as requested; and

WHEREAS, Fort Sill, in consultation with the Oklahoma SHPO, pursuant to 36 CFR Part 800, has determined that nine (9) properties scheduled to undergo interior renovations as part of BRAC actions, Buildings 2598, 2599, 1607, 1611, 1614, 1615, 1616, 455 and 462, are eligible for inclusion on the National Register of Historic Places (NRHP); and

WHEREAS, Fort Sill has provided the public an opportunity to comment on the effects of BRAC to historic properties through the National Environmental Policy Act (NEPA) process by means of Final Environmental Assessment (EA) Implementation of Base Realignment and Closure Recommendations at Fort Sill, Oklahoma, August 2006, which resulted in the issuance of a Finding of No Significant Impact (FNSI), dated November 9, 2006; and

WHEREAS, the final EA and draft version of the FNSI were available for public review and comment from August 28, 2006 to October 18, 2006, with their availability announced by legal notice published in The Lawton Constitution, a newspaper of general circulation in Comanche County, OK and throughout southwest Oklahoma; and

WHEREAS, Fort Sill and the Oklahoma SHPO agree that interior renovation actions associated with BRAC may have adverse effects to these nine (9) properties; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) was notified and consulted with on the development of this Memorandum of Agreement (MOA) in a letter dated September 12, 2007, and has declined to participate in this MOA; and

WHEREAS, the ACHP will be furnished a copy of the signed MOA with supporting documentation; and

WHEREAS, Fort Sill has determined that there are no Federally-recognized Indian tribes that attach traditional religious and cultural importance to these nine (9) historic properties; and

NOW, THEREFORE, Fort Sill and the SHPO agree that upon Fort Sill's decision to proceed with the undertaking, Fort Sill shall ensure that the following stipulation is implemented in order to take into account the effects of the undertaking on historic properties and to fulfill Fort Sill's requirements under 36 CFR 800, and that this stipulation shall govern the undertaking and all of its parts until this MOA expires or is terminated.

STIPULATIONS

Fort Sill, on behalf of the Army, shall ensure that the following stipulation is implemented:

I. Mitigation of Adverse Effects to Historic Properties 2598, 2599, 1607, 1611, 1614, 1615, 1616, 455 and 462. Fort Sill, in consultation with the SHPO, shall formally establish the boundaries for the proposed Post Field Historic District, proposed Field Artillery Historic District, proposed World War II-Era Concurrent Camp/Officer Training School, proposed Pershing Complex Historic District and proposed Special Weapons Complex Historic District. Additionally, a list of the contributing and noncontributing resources within each district shall be developed. The work will be performed by a professionally qualified Architectural Historian currently on staff at Fort Sill. Fort Sill shall provide documentation of these efforts in a report completed in a format determined in consultation with the SHPO. Data for use in evaluating individual resources shall be compiled using the SHPO's standard "Historic Preservation Resource Identification Form" and maps illustrating the contributing and noncontributing resources within each district shall be produced in a format mutually agreed to by Fort Sill and the SHPO. Fort Sill shall provide the final report and supporting documents to the SHPO on or before March 31, 2008.

II. Administrative Stipulations.

A. Definition of signatories. For the purposes of this MOA the term "signatories to this MOA" means U.S. Army Garrison Fort Sill and the Oklahoma State Historic Preservation Officer (SHPO), each of which has authority under 36 CFR 800.6(c)(7) and 36 CFR 800.6(c)(8) to terminate or amend this MOA.

B. Dispute Resolution.

(1) Should any signatory to this MOA object to any action proposed by or carried out by Fort Sill with respect to the implementation of this MOA, Fort Sill shall consult with the objecting signatory to resolve the objection. If after initiating such consultation, Fort Sill determines that the objection cannot be resolved through consultation, Fort Sill shall forward all documentation relevant to the objection to the Advisory Council on Historic Preservation (ACHP) and will continue with the Section 106 process in accordance with 36 CFR 800.6 and 36 CFR 800.7.

(2) Should the ACHP not respond within 30 calendar days after receipt of all pertinent documentation, Fort Sill may assume the ACHP's concurrence in its proposed response to the objection.

C. Anti-Deficiency Act Compliance (31 USC 1341). The stipulations of this agreement are subject to the provisions of the Anti-Deficiency Act. If sufficient funds are not made available to fully execute this agreement, Fort Sill shall consult with the signatories to this MOA to either terminate or amend the MOA in accordance with the amendment and termination procedures found at (II)(E) and (II)(F), respectively, of this MOA.

D. Duration. This agreement is in effect for two (2) years from the date of this MOA's execution, unless the signatories agree to an extension for carrying out its terms in accordance with the amendment procedures found at (II)(E) of this MOA.

E. Amendment. Any signatory to this MOA may propose that the MOA be amended, whereupon, the signatories shall consult to consider such amendment(s). 36 CFR 800.6(c)(7) shall govern the execution of the amendment.

F. Termination.

(1) If Fort Sill determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, Fort Sill or the SHPO may propose to the other signatory that this MOA be terminated.

(2) The signatory proposing to terminate this MOA shall so notify all signatories to this MOA, explaining the reasons for termination and affording them thirty (30) days to consult and seek alternatives to termination.

(3) Should such consultation fail, Fort Sill or the SHPO may terminate the MOA. Should the MOA be terminated, Fort Sill shall either:

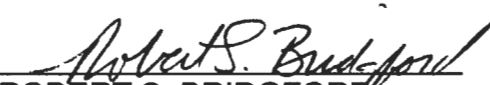
(a) Consult in accordance with 36 CFR 800.6 to develop a new MOA or

(b) Request the comments of the ACHP pursuant to 36 CFR 800.7.

EXECUTION of this MOA by Fort Sill and the SHPO, and its submission to the Advisory Council on Historic Preservation (ACHP) in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement with the ACHP for the purposes of Section 110(l) of NHPA. Execution and submission of this MOA, and implementation of its terms evidence that Fort Sill has afforded the ACHP a reasonable opportunity to comment on the undertaking and its effects on historic properties, and that Fort Sill has taken into account the effects of its undertaking on historic properties. Execution and compliance with this MOA fulfills Fort Sill's Section 106 responsibilities for the undertaking pursuant to the NHPA.

IN WITNESS WHEREOF, the parties, by their authorized representatives, hereby execute this Memorandum of Agreement.

SIGNATORIES:


ROBERT S. BRIDGFORD
Colonel, U.S. Army
Garrison Commander


BOB L. BLACKBURN
State Historic Preservation Officer

14 SEP 2007
(DATE)

9-17-07
(DATE)