

## MEMORANDUM OF AGREEMENT

Among the USDA Natural Resources Conservation Service (NRCS), Oklahoma State Historic Preservation Officer (SHPO), Oklahoma State Archaeologist, and the Advisory Council on Historic Preservation (ACHP) regarding the treatment of historic archaeological sites 34PT128 and 34PT134, Pottawatomie County, Oklahoma.

WHEREAS, the USDA NRCS has determined that the construction of Multi-purpose Structure number 1-M (municipal water supply, recreation, and floodwater retarding) and its associated recreation areas (Area A-Arena Road and Area B-Market Road) on the North Deer Creek Watershed, Oklahoma, will have adverse effects on historic archaeological sites 34PT128 and 34PT134, properties eligible to be listed on the National Register of Historic Places, and has requested the comments of the ACHP 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, the NRCS, the Oklahoma SHPO, the Oklahoma State Archaeologist, and the ACHP 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 sites 34PT128 and 34PT134.

### STIPULATIONS

1. NRCS shall ensure that the field work portion of the data recovery plan (DRP) entitled "Data Recovery Plan For 34PT128, North Deer Creek Watershed, Pottawatomie County, Oklahoma", and attached hereto as Appendix A, is completed prior to the construction of the Area-B Market Road recreation area.
2. NRCS shall ensure that all materials and records resulting from the DRP conducted at site 34PT128 are curated in accordance with 36 CFR Part 79.
3. The archaeological work outlined in Appendix A will be conducted by an Archaeologist meeting the minimum standards specified in the Secretary of the Interior's Professional Qualification Standards (48 Federal Register 190:44738-44739).

4. NRCS shall ensure that the mitigation measures for preservation in place of archaeological site 34PT134, entitled "Mitigation Plan For Site 34PT134, North Deer Creek Watershed, Pottawatomie County, Oklahoma", and attached hereto as Appendix B, are completed prior to the construction of the Area A-Arena Road recreation area.

5. NRCS shall ensure that in the event any human remains are discovered, the provisions of Oklahoma state burial law (Section 1168 of Title 21) and the Native American Graves Protection and Repatriation Act (NAGPRA 43 CFR Part 10) are followed. All work will cease and the Contracting Officer's Representative shall be notified immediately.

6. Execution of this Memorandum of Agreement evidences that the NRCS has afforded the ACHP a reasonable opportunity to comment on the undertaking and its effects on historic archaeological properties and that the NRCS has taken into account the effects of its undertaking on historic archaeological site 34PT128.

Acting for Eddie L. Keshart 11-1-95  
Oklahoma State Conservationist (date)  
USDA NRCS

Blake Wade Nov 13 95  
Oklahoma State Historic (date)  
Preservation Officer

Walt L. Bink 11/9/95  
Oklahoma State Archaeologist (date)

Advisory Council on Historic Preservation

By: Robert W. Zink Date: 12/4/95

Title: Executive Director