

**MEMORANDUM OF AGREEMENT  
AMONG THE U.S. FISH AND WILDLIFE SERVICE,  
THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICE  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING RESOLUTION OF ADVERSE EFFECTS OF THE  
STANLEY WRIGHT PARTNERS FOR FISH AND WILDLIFE PROJECT**

**WHEREAS** the U.S. Fish and Wildlife Service has funded rehabilitative construction activities of pre-existing facilities, known herein as the Stanley Wright Partners for Fish and Wildlife Project (Project), under the “Partners for Fish and Wildlife Program”; and

**WHEREAS** the entirety of the Project is limited to private lands, belonging to Stanley Wright in Greer County; and

**WHEREAS** these rehabilitative construction activities were not completed in accordance with the provisions of section 106 of the National Historic Preservation Act (Act); and

**WHEREAS** the rehabilitative construction activities have impacted prehistoric archeological site 34-Gr-197 (Site), a wholly privately-owned, National Register eligible site on the Stanley Wright property; and

**WHEREAS** the U.S. Fish and Wildlife Service (FWS), the Oklahoma State Historic Preservation Office (SHPO), and the Oklahoma State Archeologist (OAS) have consulted on the methodological adequacy of further archeological studies and agree that these studies would be an appropriate means of resolving the adverse effect of the construction activities on the Site; and

**WHEREAS** FWS has consulted with the Wichita and Affiliated Tribes, a federally recognized Indian Tribe, and has taken into account their views regarding the conduct of this work; and

**WHEREAS** the landowner does not object to these proposed studies being conducted on his property;

**NOW, THEREFORE** the above parties agree that FWS shall carry out the following stipulations to resolve adverse effects to the Site and to satisfy the FWS’s section 106 responsibilities.

**Stipulations:**

**I.** FWS shall retain a qualified archeological contractor to conduct archeological studies on the Site, and prepare a final report of scientific findings.

**II. Archeological Studies, Curation, and Related.** The FWS shall insure that the archeological consultant shall employ accepted professional methods and standards of excavation and analysis, including the Secretary of the Interior’s Standards and Guidelines for

Archeological Documentation (Standards and Guidelines), to study the Site, including its stratigraphy, by placing ten 1 meter controlled subsurface test units in the Site, to a minimum depth of 1 meter each, and one 8 meter linear backhoe trench, to a minimum depth of 3 meters, with related field and analytical tasks according to a scope-of-work prepared by FWS and acceptable to the SHPO and OAS. The FWS shall ensure that all fieldwork and analysis are completed consistent with the Standards and Guidelines and to the satisfaction of the SHPO and OAS prior to filling the impoundment with water or otherwise using the FWS-funded project facilities. The FWS shall insure that all project records, and all artifacts that the landowner chooses not to retain, are curated in a public repository that meets 36 CFR Part 79. It is acknowledged that the landowner has exclusive rights to all artifacts discovered on his property.

**III. Draft Archeological Report.** The FWS shall insure that the archeological contractor shall submit a draft archeological report of findings, within 120 days of execution of this MOA, which shall be reviewed by the SHPO and OAS.

**IV. Final Archeological Report.** The FWS shall ensure that the archeological contractor completes a final report acceptable to the SHPO and OAS within 150 days of execution of this MOA.

**V. Review of Submittals.** All reviewing parties to this MOA shall have thirty (30) days to review the archeological reports prepared pursuant to the terms of this MOA. Failure of a reviewing party to provide comments in accordance with this stipulation may be taken to indicate approval of the pertinent report by the reviewing party. FWS shall provide all parties to this MOA with a copy of the final report.

**VI. Coordination with NRCS.** Within 60 days of the execution of this MOA, FWS shall consult with the Natural Resources Conservation Service (NRCS), SHPO, OAS, and ACHP to develop an interagency protocol for complying with section 106 in the conduct of joint NRCS/FWS Partners for Fish and Wildlife projects.

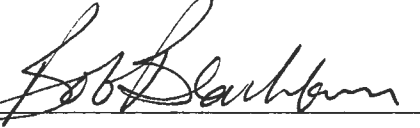
Execution of this MOA and implementation of its terms evidence that FWS has resolved the adverse effect of its undertaking and complied with section 106 of the Act.

U.S. FISH AND WILDLIFE SERVICE

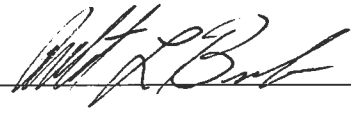
By:  Date: JAN 15 2004

Regional Director, Region 2

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 1-28-04

OKLAHOMA STATE ARCHEOLOGIST

By:  Date: Jan 30, 2004

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: \_\_\_\_\_ Date: \_\_\_\_\_

Concur:

LANDOWNER

By: \_\_\_\_\_ Date: \_\_\_\_\_