

**MEMORANDUM OF AGREEMENT
BETWEEN UNITED STATES DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE AND THE
OKLAHOMA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE PROPOSED BUILDING 7 DEMOLITION, SOUTHERN PLAINS RANGE
RESEARCH STATION, WOODWARD, OK**

WHEREAS, the United States Department of Agriculture (USDA), Agricultural Research Service (ARS) plans to carry out the proposed demolition of Building 7 located at 36.424029, -99.401729, Southern Plains Range Research Station in Woodward, OK (undertaking) pursuant to the Agriculture Property Management Regulation (AGPMR) 102-75.1075 and 7 United States Code (U.S.C.) 2250; and

WHEREAS, USDA ARS has defined the undertaking's area of potential effects (APE) as the USDA ARS Grazinglands Research Station Historic District located at 2000 18th Street, Woodward, OK, which is a National Register of Historic Places-eligible historic district; and

WHEREAS, USDA ARS has determined that the undertaking will have an adverse effect on Building 7, which is eligible for listing in the National Register of Historic Places, and has consulted with the Oklahoma State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, USDA ARS identified five federally-recognized Indian Tribes, the Apache Tribe of Oklahoma, Cheyenne and Arapaho Tribes, Comanche Nation, Osage Nation, and Wichita and Affiliated Tribes, and invited them to participate in consultation, but only the Osage Nation responded and declined to participate; and

WHEREAS, USDA ARS invited the City of Woodward, OK to participate in consultation, but USDA ARS did not receive a response; and

WHEREAS, USDA ARS invited the Plains Indians and Pioneers Historical Foundation doing business as the Plains Indians & Pioneers Museum (PIPM) in Woodward, OK to participate in consultation, and PIPM has requested to be a concurring party; and

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

NOW, THEREFORE, USDA ARS and the 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

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

- I. Prior to demolition of Building 7, USDA ARS will photograph Building 7 to National Register standards and provide SHPO with digital copies of these photographs. USDA ARS will also provide SHPO with digital copies of any historic photographs and historic and contemporary drawings of Building 7, if located in USDA ARS files. USDA ARS shall provide the Plains Indians & Pioneers Museum with digital copies of images provided to SHPO in order to maintain historical timeline.
- II. USDA ARS will create a web-based format for historical information about Building 7 and the Woodward research location, such as an ArcGIS StoryMap or other platform, for display on USDA ARS's website.
- III. USDA ARS will donate several artifacts from Building 7 to the Plains Indians & Pioneers Museum.

IV. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, USDA ARS may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

V. MONITORING AND REPORTING

Annually from the date of execution of this MOA until it expires or is terminated, USDA ARS shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, any disputes and objections received in USDA ARS's efforts to carry out the terms of this MOA, and USDA ARS's fulfillment of the terms of this MOA for SHPO's concurrence.

VI. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, USDA ARS shall consult with such party to resolve the objection. If USDA ARS determines that such objection cannot be resolved, USDA ARS will:

A. Forward all documentation relevant to the dispute, including the USDA ARS's proposed resolution, to the ACHP. The ACHP shall provide USDA ARS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, USDA ARS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. USDA ARS will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, USDA ARS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USDA ARS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. USDA ARS'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.

VII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VI, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, USDA ARS must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USDA ARS shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by USDA ARS and SHPO and implementation of its terms evidence that USDA ARS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

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SIGNATORY:

Agricultural Research Service

JEFFREY
SEIDLECK

Digitally signed by
JEFFREY SEIDLECK
Date: 2024.05.23
13:58:17 -04'00'

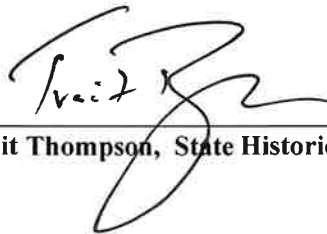
Date _____

Jeff Seidleck, Federal Preservation Officer & Chief, Real Property Management Branch

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SIGNATORY:

Oklahoma State Historic Preservation Officer


Date 5/23/24
Trait Thompson, State Historic Preservation Officer, Oklahoma Historical Society

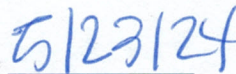
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CONCURRING PARTY:

The Plains Indians & Pioneers Museum



Date



Mikel M. Robinson, Executive Director, The Plains Indians & Pioneers Museum