

**MEMORANDUM OF AGREEMENT
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR 800.6(a)**

WHEREAS, the U.S. Army Corps of Engineers (Corps) has determined that the Durant Reservoir will have an adverse effect on 34-BR-225, a historic site with a collapsed cabin and dugout structure that has been determined eligible to the National Register of Historic Places, and has consulted with the Oklahoma State Historic Preservation Officer (SHPO) pursuant to 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the City of Durant participated in the consultation and has been invited to concur in this Memorandum of Agreement; and

NOW, THEREFORE, the Corps and the Oklahoma SHPO agree that the undertaking shall be implemented in accordance with the following stipulations, as specified by the Oklahoma SHPO, in order to take into account the effect of the undertaking on historic properties. Site 34-BR-225 is eligible to the National Register of Historic Places under Criterion D, specified at 36 CFR 60.4. Of particular relevance is the dugout structure, which apparently pre-dated the log cabin. This site is likely to yield information on a period of time rarely addressed in the archaeological literature for this part of Oklahoma.

Stipulations

The Corps will ensure that the following measures are carried out by the city of Durant prior to continuation of the permit issued on May 1, 1991, under Section 404 of the Clean Water Act:

- a. Extensive, if not complete, excavation of the dugout structure.
- b. Excavation in and around the log structure to determine the placement of doors, windows, drip lines, and other features.
- c. Locate and excavate associated dumps and privies.
- d. Expansion of the historical background to include additional Euro-American information.
- e. A final report shall be produced documenting the results of the mitigation program implemented at 34-BR-225. This report on data recovery shall be accepted only after review and approval by the Corps and Oklahoma SHPO.

Execution of this Memorandum of Agreement and implementation of its terms evidence that the Corps has afforded the Council an opportunity to comment on the Durant Reservoir and its effects on historic properties, that the Corps has taken into account the effects of the undertaking on historic properties, and implementation of the terms of the Agreement shall satisfy the Corps requirements of 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Tulsa District, U.S. Army Corps of Engineers

8 Otis Williams Date: DEC 29 1992
Colonel, U.S. Army P. J. McDonnell, Jr.
District Engineer Acting District Engineer

Oklahoma Historical Society

Blake Wade Date: 1-5-93
Mr. J. Blake Wade
Oklahoma State Historic Preservation Officer

ACCEPTED for the Advisory Council on Historic Preservation

Robert D. Bush
Robert D. Bush, Executive Director

Date: 2/8/93

CONCUR: City of Durant, Oklahoma

Paul Buntz
Mr. Paul Buntz
City Manager

Date: 3/12/93

CF:
CESWT-PL-R
CESWT-PL-RC



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

TULSA DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 61
TULSA, OKLAHOMA 74121-0061

MAR 30 1993

Operations Division

Mr. J. Blake Wade
State Historic Preservation Officer
Oklahoma Historical Society
621 North Robinson, Suite 375
Oklahoma City, OK 73102

Dear Mr. Wade:

This letter regards the Memorandum of Agreement (MOA) between the Oklahoma State Historic Preservation Office and the Tulsa District, U.S. Army Corps of Engineers stipulating treatment of site 34-BR-225 located in the area affected by a reservoir being constructed by the city of Durant, Oklahoma.

The Advisory Council on Historic Preservation has signed this MOA acknowledging their acceptance of the stipulations. The city of Durant was invited to sign the MOA acknowledging their concurrence. Mr. Paul S. Buntz, City Manager of Durant, provided the signed MOA by letter dated March 12, 1993.

We are sending you a copy of the signed MOA for your records. If you have any questions, please call Mr. Robert Jobson at (918) 581-7864.

Sincerely,

John P. Clark
Chief, Operations Division

Enclosure

ED

MAR 31 1993

BY SHPO