

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

**TRANSPORTATION ENHANCEMENT PROJECT
ARCHAEOLOGICAL DATA RECOVERY
STPY-155E(230)EH; J/P 18192(04)**

WHEREAS, the Oklahoma Historical Society (OHS) is an applicant for TEA-21 funds administered through the Oklahoma Department of Transportation (ODOT) for archaeological data recovery and study of the Red River Steamboat wreck (34CH280), a resource determined eligible for inclusion in the National Register of Historic Places (NRHP), and that the Federal Highway Administration (FHWA) concurs with the Oklahoma State Historic Preservation Office (SHPO) that the proposed data recovery operations constitute an adverse effect to 34CH280 as defined in 36 CFR Part 800, and has consulted with the SHPO pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, FHWA has determined this undertaking qualifies for Transportation Enhancement funding; and

WHEREAS, the consulting parties agree that significant information contained at 34CH280 will be lost as a result of ongoing erosion and reworking in the Red River channel if archaeological data recovery is not undertaken; and

WHEREAS, to the best of the consulting parties' knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. 300.1), are expected to be encountered in the archaeological work;

WHEREAS, appropriate Native American tribes have been consulted regarding the proposed undertaking and have no objections; and

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), FHWA has notified the Advisory Council of its adverse effect determination with specified documentation and the Council has chosen not to participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii)

NOW, THEREFORE, FHWA will ensure that the following terms and conditions, including the appended Archaeological Data Recovery Plan, shall be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (15 U.S.C. 470)

1. The Archaeological data recovery will be carried out following procedures outlined in

Appendix A "Data Recovery Plan, 34CH280 - Red River Steamboat Wreck", which has been reviewed and approved by the Oklahoma SHPO.

2. Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
3. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Council to assist in resolving the dispute.
4. This agreement shall be null and void if its terms are not carried out within five (5) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

Execution of this Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Council an opportunity to comment on Transportation Enhancement Archaeological Research Project STPY-155E(230)EH; J/P 18192(04) and its effects on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

Federal Highway Administration

BY: _____ DATE: _____

Deputy Oklahoma State Historic Preservation Officer

BY: Melina Heisch DATE: 6-24-03

Oklahoma Historical Society

BY: Bob Lankum DATE: 6-24-03

Oklahoma Department of Transportation

BY: _____ DATE: _____