

MEMORANDUM OF AGREEMENT
BETWEEN U.S. ARMY GARRISON FORT SILL AND THE
OKLAHOMA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE DEMOLITION AND/OR RENOVATION OF
PRE-WWII AMMUNITION & EXPLOSIVES MAGAZINES IN
THE 2300 AREA, FORT SILL, OKLAHOMA

WHEREAS, the U.S. Army Garrison Fort Sill (Fort Sill) plans to demolish and/or renovate eight of the ten pre-World War II (WWII) ammunition and explosives magazines (Project) in the 2300 area; and

WHEREAS, Fort Sill plans to approve and fund the Project, thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800 ; and

WHEREAS, Fort Sill has defined the undertaking's area of potential effects (APE) as the boundaries of the Pre-WWII Ammunition and Explosives Storage Historic District which are depicted on the map provided in Attachment A; and

WHEREAS, Fort Sill has determined that the undertaking will have an adverse effect on the Pre-WWII Ammunition and Explosives Storage Historic District, 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, Fort Sill has consulted with the Apache Tribe of Oklahoma; Caddo Nation of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation; Delaware Nation, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Wichita and Affiliated Tribes, Oklahoma, and these parties did not identify any properties of traditional, religious or cultural significance within the Project APE and, therefore due to the lack of tribal religious or cultural concerns, these parties were not invited to be concurring parties to this agreement; and

WHEREAS, the SHPO and the Oklahoma Archeological Survey (OAS) have entered into a cooperative agreement under which the OAS provides expertise in prehistoric archeology to the SHPO in the Section 106 review process and Fort Sill consulted with the OAS in letters dated April 23, 2018 and December 6, 2018, concerning the APE with the OAS responding in letters dated April 30, 2018 and December 6, 2018, that the project area had previously been surveyed and no significant prehistoric cultural resources were located and, therefore due to the lack of prehistoric concerns, the OAS was not invited to be a concurring party or signatory to this agreement; and

WHEREAS, Fort Sill has informed the public of the undertaking and solicited public input through publication of a public notice in the Lawton Constitution on September 12, 2017, April

24, 2018, and July 4, 2019 and provided the undertaking documentation, including the finding of adverse effect, available at the Lawton Public Library, 110 SW 4th Street, Lawton, Oklahoma, for a thirty (30) day period between September 12, 2017 to October 16, 2017, April 24, 2018 through June 5, 2018, with no public comments provided and the public was afforded a fifteen (15) day comment opportunity from July 4, 2019 to July 19, 2019 to comment upon the terms of this document with no public comments provided; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), Fort Sill 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, Fort Sill 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

Fort Sill shall ensure that the following measures are carried out:

I. DOCUMENTATION

A. As a result of consultation with SHPO, Fort Sill will provide SHPO with Historic American Building Survey (HABS) Level II-equivalent documentation for the Pre-WWII Ammunition and Explosives Storage Historic District pursuant to Section 306103 of the NHPA. Construction activities shall not commence until SHPO has reviewed and accepted the documentation photographs.

(1) The documentation shall consist of:

- a. The building plans or as-builts, as available, for the different types of magazines within the historic district. The drawings will be provided in Portable Document Format (PDF) on archival gold disc.
- b. Digital color photographs of the exterior and interior of each structure, as possible, and the district setting and environs. Access to the interior of some of the magazines may not be possible due to safety concerns. A photograph log and photo key map will be included. The photographs will be taken in RAW and provided to SHPO in both TIFF and JPEG format on archival gold disc. One set of printed photographs on photograph paper will be provided to SHPO.
- c. Written data including a description of the district's historic significance, narrative description of the district and copies of supporting information as appropriate.
- d. Copies of supporting information as available for each structure, such as historic photographs or property records.

(2) The historic context *Army Ammunition and Explosives Storage in the United States From 1775-1945* shall be included with the project documentation in both electronic and printed forms. Prepared in 2000 by the U.S. Army Corps of Engineers Fort Worth District and Geo-Marine Inc., the nationwide context addresses the evolution of Army magazines with emphasis on events in the early twentieth century that influenced the design and construction of pre-WWII ammunition and explosives storage magazines.

(3) A complete set of the documentation will be permanently retained in the Fort Sill Cultural Resources Office files.

II. NATIONAL REGISTER STATUS

A. Pre-WWII Ammunition and Explosives Storage Historic District

(1) Fort Sill and SHPO agree that the Pre-WWII Ammunition and Explosives Storage Historic District will no longer be considered a National Register eligible historic district due to a lack of integrity and the district will no longer be recognized as historic property pursuant to the National Historic Preservation Act, including Sections 110 and 106 and any implementing regulations.

(2) This determination is based in part on the conclusion on page 92 in the nationwide context *Army Ammunition and Explosives Storage in the United States, 1775-1946* that to qualify as a historic district “the number (of magazines) must be sufficient to reflect the layout and infrastructure related to the function of the complex and the associated safety concerns.” The loss of six or more of the ten structures destroys the ability of the area to collectively convey the significance of the pre-WWII ammunition and explosives storage area.

B. Individual Structures

(1) Fort Sill and SHPO agree without further evaluation that any magazine and/or related elements (facilities) within the former district lack historic significance collectively and individually to meet National Register requirements and that any and all facilities in the area will not be considered historic property pursuant to the National Historic Preservation Act, including Sections 110 and 106 and any implementing regulations.

(2) This determination is based in part on the conclusion on page 92 in the nationwide context *Army Ammunition and Explosives Storage in the United States, 1775-1946* that given the “highly redundant nature of these resources ... and their evaluation within a national context,” the remaining storage facilities at Army installations including Fort Sill were “lesser examples, which may be considered not eligible for the National Register under this context.”

(3) In accordance with the Department of Defense’s historic status coding for real property, facilities that may undergo renovation or otherwise remain standing until funding is available for complete and total removal by mechanical means will be permanently classified as “Determined Not Eligible.” The date of this determination will be date that the SHPO signs this agreement.

III. ANTI-DEFICIENCY ACT

The stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act alters or impairs Fort Sill's ability to implement the stipulations of this agreement, Fort Sill will consult in accordance with the dispute resolution and amendment stipulations as specified in Stipulations VI and VII below.

IV. DURATION

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

V. POST REVIEW DISCOVERY

If potential historic properties are discovered or unanticipated effects on historic properties found after the execution of this MOA, Fort Sill shall avoid, minimize, or mitigate adverse effects in accordance with 36 CFR § 800.13(b).

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, Fort Sill shall consult with such party to resolve the objection. If Fort Sill determines that such objection cannot be resolved, Fort Sill will:

A. Forward all documentation relevant to the dispute, including Fort Sill's proposed resolution, to the ACHP. The ACHP shall provide Fort Sill with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, Fort Sill 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. Fort Sill will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, Fort Sill may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Fort Sill 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. Fort Sill'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. AMENDMENT

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

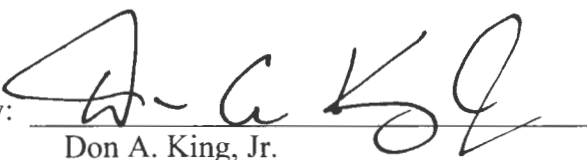
If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment in accordance with Stipulation VI above. If within thirty (30) calendar days an amendment cannot be reached, any 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, Fort Sill must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to comments of the ACHP under 36 CFR § 800.7. Fort Sill shall notify the signatories as to the course of action it will pursue.

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

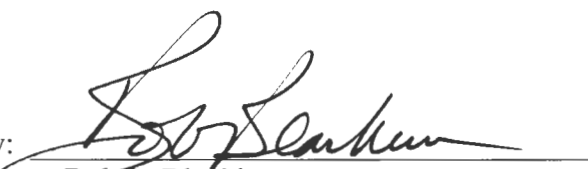
SIGNATORIES:

FORT SILL, OKLAHOMA

By: 
Don A. King, Jr.
Colonel, U.S. Army
Commanding

Date: 27 July 19



OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By: 
Bob L. Blackburn
Oklahoma State Historic Preservation Officer

Date: Aug 12, 2019

MOA Regarding Demolition of Six and Renovation of Four Pre-WWII Ammunition & Explosive Magazines in 2300 Area, Fort Sill

LEGEND

-  APE/Pre-WWII Ammunition & Explosives Storage
-  Historic District Boundaries

IGIS
 MAP PREPARED BY: CINDY SAUNCE
 GEOSPATIAL INFORMATION & SERVICES (GIMS)
 DIRECTORATE OF PUBLIC WORKS (DPW)
 1900 BARBOUR ROAD
 FORT SILL, OKLAHOMA

CONTACT INFORMATION:
 GIMS PROGRAM MANAGER: (580) 442-3815
 GIMS UTILITIES ANALYST: (580) 442-3181

SPHEROID: WORLD GEODETIC SYSTEM 1984 (WGS84)
 GRID: 1,000 METER (MGRS), UTM ZONE 14N

PLANIMETRICS DERIVED FROM:
 CANTONMENT IMAGERY: (7.5CM) 3 IN. ORTHO-RECTIFIED, JULY 2016
 RANGE IMAGERY: (15 CM) 6 IN. ORTHO-RECTIFIED, JULY 2016

THE GEOSPATIAL DATA DEPICTED IN THIS MAP COMPLIES WITH
 SDSTP 3.1 (ARMY ADAPTATION) STANDARDS.
 THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS.

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