

PROGRAMMATIC AGREEMENT
AMONG THE
U.S. DEPARTMENT OF AGRICULTURE - AGRICULTURAL RESEARCH SERVICE,
THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICER
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING MANAGEMENT OF THE FORAGE AND LIVESTOCK
RESEARCH LABORATORY, EL RENO, OKLAHOMA

WHEREAS, the U.S. Department of Agricultural, Agriculture Research Service (ARS), uses and manages the Forage and Livestock Research Laboratory, El Reno, Oklahoma, in the administration of its Forage and Livestock Research Program; and

WHEREAS, ARS has determined that the management of the Laboratory may have an effect upon properties which have been listed on or determined eligible for the National Register, including the Fort Reno National Register Historic District, and has consulted with the Advisory Council on Historic Preservation (Council) and the Oklahoma State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations, 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

NOW, THEREFORE, ARS, the Council and the SHPO agree that ARS will manage the Forage and Livestock Research Laboratory in accordance with the following stipulations to satisfy ARS's Section 106 responsibilities for all resulting individual undertakings.

Stipulations

ARS will ensure that the following measures are carried out:

I. UNDERTAKINGS NOT REQUIRING REVIEW BY THE SHPO OR THE COUNCIL

A. Review by the SHPO or the Council is not required if the undertaking will affect only: 1) buildings that are less than 50 years of age or; 2) buildings within the Fort Reno Historic District listed in Appendix "A" which have been determined by ARS, in consultation with the SHPO, to be not eligible for inclusion in the National Register individually or as a contributing property to the historic district. ARS shall document its determination that no historic properties were included in the undertaking's area of potential effect and maintain this record in its project file.

B. All activities enumerated in Appendix "C" will be exempt from review by the SHPO or the Council. ARS will maintain project records to verify that an undertaking qualifies for this exemption from review.

II. IDENTIFICATION, EVALUATION, AND NOMINATION OF HISTORIC PROPERTIES

A. ARS, in consultation with the SHPO, has evaluated the properties at the Fort Reno National Register Historic District and listed the buildings which are considered to contribute to the significance of the Fort Reno National Register Historic District in Appendix "B" of this Agreement.

B. When an undertaking is identified by ARS, it shall consult with the SHPO to determine if any properties that are included in or that have been determined eligible for inclusion in the National Register of Historic Places are located in a proposed undertaking's area of potential effect. ARS shall also request the views of the SHPO on further actions that may be necessary to identify historic properties which may be affected by the undertaking. If previously unevaluated properties that may be affected by the undertaking are identified, ARS will evaluate them, in consultation with the SHPO, against the National Register criteria, in accordance with 36 CFR Section 800.4(c). ARS shall provide the SHPO with copies of the material developed to evaluate a property and afford the SHPO a 30-day period to review ARS' evaluation of the property's eligibility. If the SHPO does not provide views within this time frame, then he/she shall be presumed to agree with ARS' determination.

C. ARS, in consultation with the SHPO, will periodically review the lists of contributing and noncontributing properties within the Fort Reno Historic District, and any other relevant, existing data regarding other properties which are located on the lands managed by the Laboratory, to determine if any such properties should be included or deleted from the list of contributing or eligible properties, or re-evaluated for National Register eligibility. It is anticipated that such a review and re-evaluation may be necessary at five-year intervals.

III. DETERMINATION OF EFFECT

A. If a proposed undertaking is not categorically exempt from review pursuant to Stipulation I. above and its area of potential effect, as defined in 36 CFR Section 800.2(c), may contain a historic property, then ARS will provide the SHPO with a work description which adequately describes the project, the historic property, and the undertaking's potential effect on the historic property, in accordance with the SHPO review and compliance manual. This review should occur early in the planning stages of the undertaking, when the widest feasible range of alternatives is open for consideration. ARS shall consult with the SHPO to apply the Criteria of Effect and Adverse Effect, 36 CFR Section 800.9, and if an effect will occur, then to determine if the proposed undertaking meets one of the exceptions to the Criteria of Adverse Effect:

1. If ARS and the SHPO agree that an undertaking will have no effect, ARS shall notify the SHPO in writing of this finding. If the SHPO does not object to this written notice within 15 days, the undertaking may proceed without further review.

2. If ARS and the SHPO agree that an undertaking will have an adverse effect, ARS shall notify the SHPO in writing of this finding and include the following information, as appropriate:

a. If the undertaking will adversely affect a historic property which is of value only for its potential contribution to archeological or historical research and such value can be substantially preserved through the conduct of appropriate research, ARS, in consultation with the SHPO, may determine if the property can be preserved on-site or if the development and implementation of a data recovery plan is appropriate. Such a plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37), take into account the Council's publication, "Treatment of Archeological Properties," and conform to all relevant SHPO guidance. It will be provided to the SHPO with ARS's written determination.

b. If the undertaking is limited to the rehabilitation of buildings and structures in accordance with the Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings [36 CFR Section 67.7(b)], plans, specifications, work write-ups, or other pertinent project documents will be provided to the SHPO with ARS's written determination.

c. If the proposed undertaking consists of the issuance of a permit to a non-Federal entity to conduct activities on Laboratory lands, then ARS, in consultation with the SHPO, will develop conditions to be included in the permit to ensure the protection and maintenance of any historic property located on lands which will be affected by the permitted activity.

IV. DISPUTE RESOLUTION

Should the SHPO or Council object within 30 days, unless otherwise noted, to any plans, specifications, or other documentation provided for review pursuant to this Agreement, ARS shall consult further with the SHPO or Council to resolve the objection. If the objection relates to ARS' determination that an undertaking will not adversely effect historic properties and ARS determines that it cannot modify the undertaking to avoid the adverse effect, then ARS will enter into adverse effect consultation under 35 CFR Section 800.5(e). If any of the parties determines that the adverse effect consultation process is unproductive, that party may terminate the consultation process. ARS shall notify all parties, forward all documentation relevant to the dispute to the Council, and request the Council's comments in accordance with 36 CFR Section 800.6(b). Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute, and ARS's responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

V. IMPLEMENTATION AND TRAINING

ARS will notify appropriate staff of the execution of this Agreement and will develop management procedures to ensure that its terms are implemented. The SHPO and the Council, as appropriate, will provide occasional, basic historic preservation training to ARS, its representatives or designees. This training can include, but may not be limited to, the implementation of this Agreement and the application of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and Standards and Guidelines for Archeological Documentation.

VI. MONITORING

The SHPO and the Council may monitor any activities carried out pursuant to this Agreement, and the Council will review such activity if so requested. ARS will cooperate with the SHPO and the Council in carrying out these monitoring and review responsibilities.

VII. AMENDMENTS

Any party to this Agreement may request that it be amended or modified, whereupon the parties will consult, in accordance with 36 CFR Section 800.13, to consider such revisions. Any resulting amendments or addenda shall be reduced to writing and will be developed and executed in the same manner as this original Agreement.

VIII. TERMINATION

Any party to this Programmatic Agreement may terminate it by providing thirty days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, ARS will comply with 36 CFR Sections 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

IX. FAILURE TO COMPLY WITH AGREEMENT

In the event ARS does not carry out the terms of this Programmatic Agreement, ARS will comply with 36 CFR Sections 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

EXECUTION AND IMPLEMENTATION of this Programmatic Agreement evidences that ARS has afforded the Council a reasonable opportunity to comment on ARS' proposal to use and manage the Forage and Livestock Research Laboratory, El Reno, Oklahoma (Laboratory) in the administration of its Forage and Livestock Research Program.

U.S. DEPARTMENT OF AGRICULTURE - AGRICULTURAL RESEARCH SERVICE

By: Floyd A. Horn
Director, USDA-ARS Southern Plains Office

Date: 3-2-92

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By: B. Wade
Title: _____

Date: 8-3-92

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____
Title: _____

Date: _____

APPENDIX "A"
LIST OF STRUCTURES AND BUILDINGS LOCATED
AT THE FORAGE AND LIVESTOCK RESEARCH LABORATORIES
WHICH HAVE BEEN DETERMINED TO BE NOT ELIGIBLE
FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

The following buildings and structures have been determined to be not eligible for inclusion in the National Register of Historic Places by ARS in consultation with the SHPO. This list was reviewed on 15 October 1990 with revisions noted. Undertakings proposed for these buildings and structures will not be reviewed by the SHPO or Council.

<u>Bldg. No.</u>	<u>Name</u>
22	Granary
23	Granary
24	Livestock Sales (Riding Hall)
25	Paint or Water Treatment Shed
27	Plumbing Shop
30	Filling Station
32	Implement Shed
34	Bull Barn
35	Cattle Barn
37	Cattle Barn
38	Cattle Barn
39	Cattle Barn
40	Cattle Barn
41	Cattle Barn
42	Cattle Barn
43	Cattle Barn
44	Cattle Barn
45	Physiology Barn
46	Cattle Barn
47	Cattle Barn
48	Cattle Barn
49	Cattle Barn
50	Calf Feeding Barn
51	Metabolism Barn
53	Shelter
54	Shelter
55	Shelter
56	Shelter
57	Shelter
58	Shelter
59	Shelter
60	Shelter
61	Shelter
62	Shelter
63	Shelter

<u>Bldg. No.</u>	<u>Name</u>
64	Shelter
65	Shelter
66	Shelter
67	Scale House
68	Scale House
69	Scale House
71	Sheep Barn
72	Swine Barn
73	Swine Barn
74	Swine Barn
75	Swine Barn
76	Swine Barn
77	Swine Barn
78	Swine Barn
79	Swine Barn
82	Hay Shed
85	Seed Cleaning Shed
86	Storage
87	Garage
88	Garage
89	Garage
92	Metal Shed
93	Residence
95	Alco Steel Building
96	Feed Mill Complex
96A	Boiler Building
96B	Hay Storage
97	Pole Barn
98	Wool Shed

List as
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Appendix "B"

LIST OF STRUCTURES AND BUILDINGS LOCATED
AT THE FORAGE AND LIVESTOCK RESEARCH LABORATORIES
WHICH HAVE BEEN DETERMINED TO BE ELIGIBLE
FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

The following buildings and structures have been determined to be eligible for inclusion in the National Register of Historic Places by ARS in consultation with the SHPO.

<u>Bldg. No.</u>	<u>Name</u>
01	Office/Lab (Barracks/hospital) (Exterior Repairs Only)
02	Residence
03	Residence
04	Residence
05	Residence
06	Residence
07	Residence
09	Residence
10	Residence
12	Residence
13	Residence
14	Residence
15	Residence
16	Residence
17	Residence
18	Residence
19	Residence
20	Residence
21	Chapel
26	Machine Shop
28	Carpenter Shop
29	Warehouse
31	Warehouse
31A	Magazine
33	Implement Shed
36	Cavalry Stable
70	Sheep Barn

Appendix "C"
TO PROGRAMMATIC AGREEMENT REGARDING
THE FORAGE AND LIVESTOCK RESEARCH LABORATORY

PROJECT ACTIVITIES NOT REQUIRING REVIEW BY SHPO OR COUNCIL

1. Grazing and other experimental activities which do not involve earth moving activities or other potential effects on historic properties.
2. Farming activities on unimproved and previously plowed sites, provided that these activities do not disturb the soil below ten inches from the existing surface.
3. Conveyances, permits, and exchanges of land involving a Federal agency at the Forage and Livestock Research Laboratory. Preservation covenants or restrictions are not required in the transfer documents.
4. The following maintenance activities are exempt from review:
 - a. Removal of deteriorated paint and preparation of exterior surfaces by hand scraping, hand sanding, and heat plates or heat guns used according to the manufacturer's instructions, and repainting existing painted surfaces with chemically compatible paint in the historic colors.
 - b. Cleaning masonry surfaces with natural bristle brushes and mild detergent using low pressure water at such a time when the outside temperature is not expected to be below freezing. The use of wire brushes for such cleaning is not permissible.
 - c. Maintenance of the existing landscaping and planting materials, provided that such plants are not causing damage to historic foundations or other historic features;
 - d. Repair or replacement of driveways and walkways following the existing or historic configuration and with in-kind or historic materials;
 - e. Repair or replacement of fencing following the existing or historic configuration and with in-kind or historic materials;
 - f. Treatments to control termite infestation of historic buildings or features;
 - g. Electrical work, limited to upgrading or in-kind replacement;
 - h. Plumbing work, limited to upgrading or in-kind replacement;
 - i. Installation of mechanical equipment which does not affect the exterior of the building or require installation of new duct work throughout the interior;

- j. Repair or partial replacement of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim, when the repair or replacement is done in-kind to exactly match existing material and form;
- k. Repair of deteriorated or damaged windows to exactly match the existing material and form;
- l. Caulking and weatherstripping with compatibly colored materials;
- m. Replacement of window panes in-kind or with double or triple glazing, so long as the glazing is clear, untinted glass and it does not alter the existing window material and form. NOTE: Work affecting windows with leaded or stained glass is not exempt from review.
- n. Installation of fire or smoke detectors;
- o. Roof repair or replacement with materials which match the existing or historic materials and form;
- p. Installation of insulation, provided that decorative interior plaster or woodwork or exterior wood siding is not altered by this work item.
- q. Installation of security devices, including dead bolts, door locks, windows, latches, and door peepholes;
- r. Floor refinishing;
- s. Repair or replacement of floors following the existing or historic configurations and with in-kind or historic materials;
- t. Repair or replacement of interior stairs following the existing or historic configuration and with in-kind or historic materials;