

**Memorandum of Agreement**

**Submitted to the Advisory Council on Historic Preservation,  
Between the U.S. Department of Energy, Fernald Environmental Management Project  
and the Ohio Historic Preservation Office  
Regarding the Fernald Environmental Management Project  
Waste Pits Remedial Action Project  
Railroad Trestle Upgrades**

WHEREAS the U.S. Department of Energy, Fernald Environmental Management Project (DOE-FEMP) manages the Fernald Environmental Management Project (FEMP), which is undergoing environmental remediation pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and

WHEREAS the Waste Pits Remedial Action Project Railroad Trestle Upgrades project is required as part of CERCLA remedial activities, specifically, the Operable Unit 1 Pre-Final Design, Site Improvement Plan; and

WHEREAS the Okeana CSXT Railroad Trestle (Ohio Bridge No. 249) (hereinafter referred to as the "Okeana Trestle") is eligible for inclusion on the National Register of Historic Places; and

WHEREAS DOE-FEMP has determined that the Waste Pits Remedial Action Project Railroad Trestle Upgrades project will have an adverse effect on the Okeana Trestle pursuant to 36 CFR Part 800.9(b). An undertaking is considered to have an adverse effect when the effect on the historic property may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

WHEREAS DOE-FEMP has consulted with the Ohio Historic Preservation Office (OHPO) in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. §470) and its implementing regulations (36 CFR 800);

NOW, THEREFORE, DOE-FEMP and OHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the project on the Okeana Trestle.

**Stipulations**

- A. DOE-FEMP shall photograph the Okeana Trestle to Historic American Engineering Record (HAER) standards. In addition, DOE-FEMP will undertake a search to locate and make photographic copies of historic photographs, in accordance with applicable copyright restrictions.
- B. DOE-FEMP shall provide historical information and a physical description of the trestle in the form of a narrative report. The narrative report will include an 8-1/2" x 11" site plan to show the location of the trestle within its setting.
- C. DOE-FEMP shall incorporate and package the report materials according to HAER standards, and send them to the National Park Service, Omaha, for review.
- D. DOE-FEMP shall incorporate the draft deliverables described in Stipulations A, B, and C above into one report to OHPO for review within six months of the signature of this Memorandum of Agreement. OHPO shall offer comments (if any) to DOE-FEMP within thirty (30) days of the original submittal. DOE-FEMP shall then finalize the summary report by encompassing any revisions mutually agreed upon with OHPO.

- E. Should OHPO object within thirty (30) days to the final summary report pursuant to this Memorandum of Agreement, OHPO shall consult with DOE-FEMP to resolve the objection. If DOE-FEMP determines the objection cannot be resolved, DOE-FEMP shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). The Council shall provide comments pursuant to 36 CFR 800.6(b).
- F. DOE-FEMP shall submit the final summary report to the FEMP Public Environmental Information Center for public viewing.

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**Execution**

Execution of this Memorandum of Agreement by DOE-FEMP and OHPO, its subsequent acceptance by the Council, and implementation of its terms, demonstrates that DOE-FEMP has afforded the Council an opportunity to comment on the Waste Pits Remedial Action Project Railroad Trestle Upgrades project and its effects on historic properties. Execution of this Memorandum of Agreement also demonstrates that DOE-FEMP has taken into account the effects of the Waste Pits Remedial Action Project Railroad Trestle Upgrades project on historic properties.

Glenn Sujits 7/10/97  
 for Jack R. Craig, Director, (Date)  
 DOE-FEMP

Martha J. Raymond 7/15/97  
 Martha J. Raymond, Department Head, (Date)  
 Technical and Review Services,  
 OHPO

Accepted for by the Advisory Council on Historic Preservation by:

[Signature] 8/15/97  
 Executive Director, (Date)