

**Appendix H  
Memorandum of Agreement**

**Memorandum of Agreement Panama City-Bay County International Airport, July 2006**

**E-mail correspondence from Miccosukee Tribe to FAA, July 10, 2006**

**E-mail correspondence from FAA, July 6, 2006**

**Florida Department of State, Division of Historical Resources correspondence, July 6, 2006**

**Miccosukee Tribe of Indians correspondence, June 2, 2006**

**Advisory Council on Historic Preservation correspondence, May 10, 2006**

**Seminole Nation of Oklahoma correspondence, July 24, 2006**

**Advisory Council on Historic Preservation correspondence, September 6, 2006**



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Orlando Airports District Office  
5950 Hazeltine National Dr., Suite 400  
Orlando, FL 32822-5003

Phone: (407) 812-6331

Fax: (407) 812-6978

August 17, 2006

Ms. Katry Harris  
Historic Preservation Specialist  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW, Suite 809  
Washington, DC 20004

Dear Ms. Harris:

RE: Proposed Relocation of the Panama City-Bay County International Airport  
Bay County, Florida -

Pursuant to 36 CFR 800.6(b)(iv) and 800.11(f), the Federal Aviation Administration (FAA) is providing the enclosed executed copy of a Memorandum of Agreement (MOA) for the Robinson Bayou South Archeological Site (8BY935) located at the existing Panama City-Bay County International Airport. The MOA was executed by the FAA and the Florida State Historic Preservation Officer (SHPO) with the Panama City-Bay County Airport and Industrial District (Airport Sponsor and Owner) signing the MOA as a concurring party.

There were no substantive revisions or additions to the MOA that was provided to the Advisory Council on Historic Preservation by letter dated April 21, 2006. Measures to avoid or minimize the proposed undertaking's adverse effects include the establishment of a conservation (historic preservation) easement for the Robinson Bayou South Archeological Site (8BY935), and maintaining the property in its current physical condition. The easement will run with the land and be binding on all subsequent owners and will be stated in the real property deed as a restriction, easement, covenant, or condition of ownership. The FAA will ensure that the Airport District consults an Archaeologist to monitor any proposed ground-disturbing activities that could reasonably affect the site during the period this MOA remains in effect.

A copy of the MOA was included in the Final EIS issued by the FAA on or about May 12, 2006 for review by the public until July 5, 2006. The FAA did not receive any comments regarding the MOA. The Miccosukee Tribe of Indians of Florida (Miccosukee Tribe) reviewed the MOA and other information provided by the FAA, and provided suggestions that the site be maintained in its current condition throughout the duration of the conservation easement. However, the Miccosukee Tribe did not wish to sign the MOA. In addition, the Seminole Nation of Oklahoma reviewed the MOA and responded

that, because the site pre-dates the existence of the Seminole Nation, it also did not wish to sign the MOA.

With this filing, the FAA has completed the requirements of Section 106 of the National Historic Preservation Act.

Sincerely,

**Original Signed By**

Virginia Lane  
Environmental Specialist

Enclosure

cc:  
Debbie Wilson, Kimley-Horn, Inc.

## MEMORANDUM OF AGREEMENT

BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND  
THE FLORIDA STATE HISTORIC PRESERVATION OFFICER  
PURSUANT TO 36 CFR 800 REGARDING THE POSSIBLE REDEVELOPMENT OF  
THE EXISTING AIRPORT PROPERTY ASSOCIATED WITH THE PROPOSED  
RELOCATION OF THE PANAMA CITY-BAY COUNTY INTERNATIONAL  
AIRPORT IN BAY COUNTY, FLORIDA

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**WHEREAS**, the Federal Aviation Administration (FAA) has consulted with the Florida State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470, and its implementing regulations, 36 CFR Part 800, to evaluate (a) the proposed relocation of the Panama City-Bay County International Airport (Proposed Relocation) as evidenced by a letter dated December 1, 2004 from the FAA to the Florida SHPO requesting comments on the Phase I Cultural Resources Report, a letter dated January 3, 2005 from the Florida SHPO to the FAA providing comments on the Phase I Cultural Resources Report, and a letter dated January 14, 2005 from the Florida SHPO to the FAA providing comments on the DEIS, and to evaluate (b) the potential for redevelopment at the existing airport property (Existing Site) to have an adverse effect on known historic properties; and,

**WHEREAS**, the FAA is in the process of consulting with the Native American Tribes in accordance with 36 CFR Part 800.3; and,

**WHEREAS**, the FAA has conducted a cultural resource assessment survey (CRAS) during the development of an Environmental Impact Statement (EIS) for the Proposed Relocation; and,

**WHEREAS**, subject to the FAA's publication of a Final EIS, the FAA will issue a Record of Decision (ROD) which will approve an alternative for implementation by the Panama City-Bay County International Airport and Industrial District (Airport District); and,

**WHEREAS**, in the event that the FAA approves a decision to relocate the existing airport, the Airport District intends to request release of the Existing Site from Federal obligations associated with its current aeronautical use for the purpose of facilitating the sale of the Existing Site to a private entity for redevelopment (the Undertaking); and,

**WHEREAS**, the FAA, in consultation with the Florida SHPO, has determined that the Robinson Bayou South site (8BY935), a prehistoric archaeological site located within the boundaries of the Existing Site dating from 2000 B.C. to as late as 1200 A.D., meets the eligibility requirements for listing on the National Register of Historic Places (NRHP); and,

**WHEREAS**, the Airport District participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA);

**WHEREAS**, the FAA and the Florida SHPO have entered into this MOA pursuant to 36 CFR Part 800.6;

**NOW THEREFORE**, subject to the FAA's publication of a Final EIS and issuance of a finding in a Record of Decision (ROD) that the existing airport could be relocated to a new site, the FAA and the Florida SHPO agree that, upon the Airport District's decision to proceed with the Undertaking, the FAA shall ensure that the following stipulations are implemented by the Airport District prior to the FAA's decommissioning and release of the Existing Property for aeronautical use for the purpose of avoiding any adverse effects the Undertaking could have on known historic properties, including the Robinson Bayou South site (8BY935), and that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated. The Airport District will be obligated to adhere to these stipulations as a condition to the FAA's decommissioning and release for disposal of the Existing Site for aeronautical use.

### **Stipulations**

The FAA will ensure, in coordination with the Florida SHPO, that the following stipulations are implemented by the Airport District:

#### **I. PRESERVATION OF THE ROBINSON BAYOU SOUTH SITE (8BY935)**

A. The Robinson Bayou South site (8BY935) is located in the southern portion of the Existing Site in the northwest quarter of Section 19 of Township 3 South, Range 14 West. The site's current physical condition is a natural area without physical structures or surface improvements, and is documented in FAA's CRAS report *A Cultural Phase I Inventory Survey for the Proposed Relocation of the Panama City-Bay County International Airport, Bay County Florida*, December 2004. Archaeological testing indicates that 8BY935 served as a base or residential camp or perhaps a village dating as early as 2000 B.C. until as late as 1200 A.D. Data indicates this site is approximately 260 feet long (north-south) and 290 feet wide (east-west), and covers roughly 52,000 square feet. The FAA will ensure that the Airport District conducts sufficient archeological testing to confirm the boundaries of 8BY935 prior to the FAA's decommissioning and release for disposal of the Existing Site for aeronautical use.

B. The CRAS recommended that the Robinson Bayou South site (8BY935) be preserved. Pursuant to Section 704.06 of the Florida Statutes, then, the FAA will ensure that the Airport District establish a conservation (historic preservation) easement for 8BY935, maintaining the property in its current physical condition, and documented in FAA's CRAS report *A Cultural Phase I Inventory Survey for the Proposed Relocation of the Panama City-Bay County International Airport, Bay County Florida*, December 2004. This easement will run with the land and

be binding on all subsequent owners and will be stated in the real property deed as a restriction, easement, covenant, or condition of ownership. The FAA will ensure that the Airport District amends the real property deed to legally establish this easement (including recordation) prior to the FAA's decommissioning and release for disposal of the Existing Site for aeronautical use. An opportunity for removing the easement may ensue if the Florida SHPO (and any Tribes who have expressed religious or cultural significance) agrees the site is no longer eligible for listing on the NRHP.

C. The FAA will ensure that the Airport District consults an Archaeologist to monitor any proposed ground-disturbing activities that could reasonably affect the site during the period this MOA remains in effect. The selected Archaeologist will meet the Secretary of the Interior's Historic Preservation Professional Qualifications Standards for Archaeology. Upon discovery of archaeological resources, work in the immediate area will cease while the Archaeologist evaluates the significance of the resources and conveys such evaluation to the Florida SHPO. If the resources are determined by the Archaeologist not to be of significance, work may resume immediately. If the resources are determined by the Archaeologist to be of significance, the Airport District will ensure that a data recovery plan is developed by the Archaeologist in consultation with the Florida SHPO for the recovery of archaeological data from the site. The plan will be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37).

## **II. DURATION**

The terms and conditions of this MOA will remain in effect between the FAA, and the Florida SHPO until either [any] party terminates the MOA or until the FAA decommissions and releases the Existing Site for aeronautical use, whichever occurs first. Prior to such time, the FAA may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation V.

## **III. POST-REVIEW DISCOVERIES**

If historic properties are discovered other than those outlined in Stipulation I above, or if unanticipated effects on historic properties are found, the FAA shall consult with the SHPO, the Airport District, and other affected parties to reconsider the terms of the agreement and amend it in accordance with Stipulation V. If human remains are uncovered, the Airport District will follow the provisions of Chapter 872.05 of the Florida Statutes.

## **IV. MONITORING AND REPORTING**

No later than March 1 of each year this MOA remains in effect, the FAA will ensure that the Airport District provides the FAA and the Florida SHPO a summary report detailing any ground-disturbing activities that occurred during the previous year pursuant to the

terms of this MOA. Failure to provide this summary report may be considered noncompliance with the terms of this MOA pursuant to Stipulation VI.

## **V. DISPUTE RESOLUTION**

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FAA will ensure that the Airport District consult with the objecting party(ies) to resolve the objection. If the FAA determines, within 30 days, that such objection(s) cannot be resolved, the FAA will ensure that the Airport District:

A. Forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR Section 800.6(b)(2). Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by the FAA in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the FAA may render a decision regarding the dispute. In reaching its decision, the FAA will take into account all comments received from the parties to the MOA regarding the dispute.

C. It will be the FAA's responsibility to ensure that the Airport District carry out all other actions subject to the terms of this MOA that are not the subject of the dispute. The FAA will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. The FAA's decision will be final.

## **VI. TERMINATION**

If this MOA is not amended following the consultation set out in Stipulation V, it may be terminated unilaterally by any signatory. In the case of termination, the FAA either will initiate consultation to execute an MOA with the signatories under 36 CFR Section 800.6(c)(1) or request the comments of the Council under 36 CFR Section 800.7(a) and proceed accordingly. Within 30 days following termination, the FAA will notify the signatories as to which of these two compliance courses it will pursue.

Execution of this MOA by the FAA, and the Florida SHPO and implementation of its terms is evidence that the FAA has considered the potential effects the Proposed Relocation and Undertaking may have on historic property.

**SIGNATORIES:**

**FEDERAL AVIATION ADMINISTRATION**

By: W. Dean Stringer Date: 7/17/06  
W. Dean Stringer, FAA Orlando Airports District Manager

**FLORIDA STATE HISTORIC PRESERVATION OFFICER**

By: Frederick P. Gaske Date: 8/9/06  
Frederick P. Gaske, Florida State Historic Preservation Officer

**CONCURRING:**

**PANAMA CITY-BAY COUNTY INTERNATIONAL AIRPORT  
AND INDUSTRIAL DISTRICT**

By: Joseph K. Tannehill Date: July 21, 2006  
Joseph K. Tannehill, Sr., Board Chairman  
Panama City-Bay County International Airport and Industrial District



From: "Steve Terry" <SteveT@miccosukeetribe.com>  
To: Virginia Lane/ASO/FAA@FAA

Date: Monday, July 10, 2006 10:07 AM  
Subject: Re: Fw: Photos

History: This message has been replied to.

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Virginia,  
I have reviewed the photos that you sent to me. Obviously, it can stay in a natural state as greenspace. I see no need to plant low growing shrubbery as there already is low growing shrubbery.  
Steve Terry  
NAGPRA & Section 106 Representative  
Miccosukee Tribe

>>> <Virginia.Lane@faa.gov> 07/07/06 5:06 PM >>>

Steve, The attached recent photos are of the Robinson Bayou South site located on the existing Panama City-Bay County International Airport. This is the site that is proposed for preservation in the event the airport is relocated. In our telephone discussion the other day we discussed your suggestion to keep the area as "greenspace with low shrubbery planted around the edges" or as a "mowed lawn area" per your letter. It now appears to be more appropriate to maintain and protect the area in a "natural state" or as "greenspace". Could you please confirm that you agree? Thanks.

Virginia Lane, A.I.C.P.  
Federal Aviation Administration  
Orlando Airports District Office  
5950 Hazeltine National Drive  
Orlando, FL 32822  
Tel: 407/812/6331 Ext. 129  
Fax: 407/812/6978

----- Forwarded by Virginia Lane/ASO/FAA on 07/07/2006 04:51 PM -----

"Randy Curtis"  
<rcurtis@pcairport.com>  
07/07/2006 04:35 PM  
Virginia Lane/ASO/FAA@FAA  
Photos  
To  
cc  
Subject

Virginia,

Attached please find photos of the Robinson Bayou South site as discussed.

Randy Curtis(See attached file: 001.jpg) (See attached file: 004.jpg)  
(See attached file: 006.jpg) (See attached file: 007.jpg: (See attached  
file: 009. jpg)









MOA and Letter to SHPO.txt

From: Virginia.Lane@faa.gov  
Sent: Thursday, July 06, 2006 5:57 PM  
To: Gail.Orendorff@faa.gov; Derek.Stotts@faa.gov  
Cc: Jackie.Sweatt-Essick@faa.gov; Wilson, Debbie (Calevich); Young, Calah; Randy  
Subject: MOA

Gail and Derek, I have faxed you the letter we recieved from the Miccosukee Tribe of Indians of Florida with their suggestions for the preservation area. Jackie and I discussed the letter with Steve Terry, the Tribe representative. They do not want to be a signatory on the MOA. It was acceptable to them if we incorporated their suggestions into the MOA.

Virginia Lane, A.I.C.P.  
Federal Aviation Administration  
Orlando Airports District Office  
5950 Hazeltine National Drive  
Orlando, FL 32822  
Tel: 407/812/6331 Ext. 129  
Fax: 407/812/6978



FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
 Secretary of State  
 DIVISION OF HISTORICAL RESOURCES

Ms. Virginia Lane  
 Federal Aviation Administration  
 Orlando Airports District Office  
 5950 Hazeltine National Drive, Suite 400  
 Orlando, Florida 32833-5003

July 6, 2006

Re: DHR Project File No.: 2006-2589  
 Draft Memorandum of Agreement (April 2006)  
 Between the Federal Aviation Administration and the Florida State Historic Preservation  
 Officer Pursuant to 36 CFR 800 Regarding the Possible Redevelopment of the Existing  
 Airport Property Associated with the Proposed Relocation of the Panama City-Bay  
 County International Airport in Bay County, Florida

Dear Ms. Lane:

In accordance with the procedures contained in 36 CFR Part 800, and for your files, this office reviewed the referenced draft Memorandum of Agreement and find that it satisfactorily addresses the preservation and protection of archaeological site 8BY935. We look forward to signing and returning the final Agreement(s) as soon as submitted for the State Historic Preservation Officer's approval.

If you have any questions, please do not hesitate to this office at (850) 245-6333.

Sincerely,

Frederick P. Gaske, Director, and  
 State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office  
 (850) 245-6300 • FAX: 245-6435

Archaeological Research  
 (850) 245-6444 • FAX: 245-6432

Historic Preservation  
 (850) 245-6333 • FAX: 245-6437

Historical Museum  
 (850) 245-6400 • FAX: 245

Palm Beach Regional Office  
 (561) 279-1475 • FAX: 279-1476

St. Augustine Regional Office  
 (904) 825-5045 • FAX: 825-5044

Tampa Regional Office  
 (813) 272-3843 • FAX: 272-2340



# Miccosukee Tribe of Indians of Florida

JUN 07 2006

**Business Council Members**  
Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman  
Max Billie, Treasurer

Andrew Bert Sr., Secretary  
William M. Osceola, Lawmaker

June 2, 2006

Mr. Dean Stringer  
Federal Aviation Administration  
Orlando Airports District Office  
5950 Hazeltine National Drive, Suite 400  
Orlando, FL 32822-5024

RE: Panama City-Bay County International Airport, Bay County, Florida

Dear Mr. Stringer:

The Miccosukee Tribe of Indians of Florida received your letter concerning the above referenced for continuing coordination. The Miccosukee Tribe is concerned that the Robinson Bayou South Site may be a ceremonial site. To that end, we support the FAA proposal of preservation in place. We suggest that the area be kept as a green space with low shrubbery planted around the edges, if not in conflict with the mway clear space requirements. It is fine to keep the area mowed as a well-kept lawn.

Thank you for consulting with the Miccosukee Tribe. Please contact me at the below number, Ext. 2243, or via e-mail at [Stevet@miccosukeetsibe.com](mailto:Stevet@miccosukeetsibe.com).

Sincerely,

Steve Terry  
NAGPRA & Section 106 Representative



MAY 15 2006



*Preserving America's Heritage*

May 10, 2006

Ms. Virginia Lane  
Environmental Specialist  
Orlando Airports District Office  
Federal Aviation Administration  
5950 Hazeltine National Drive, Suite 400  
Orlando, FL 32822-5024

REF: Proposed Relocation of the Panama City-Bay County International  
Airport Bay County, Florida

Dear Ms. Lane:

On April 27, 2006, the ACHP received your notification and supporting documentation regarding the adverse effects of the referenced project on the Robinson Bayou South Site (8BY935), a property eligible for listing on the National Register of Historic Places. This documentation is submitted in accordance with 36 CFR 800.6(a)(1) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800). Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is warranted. However, should circumstances change and you or other Consulting Parties determine that our participation is required, please notify us.

Pursuant to 36 CFR 800.6(b)(iv), you will need to file the final Memorandum of Agreement and related documentation at the conclusion of the consultation process with the ACHP. The filing of the Agreement with us is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification. If you have any questions or require further assistance, please contact me at 202-606-8520.

Sincerely,

Katry Harris  
Historic Preservation Specialist  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8447 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)



Kelly Haney  
Principal Chief

Larry Harrison  
Assistant Chief

SEMINOLE NATION OF OKLAHOMA  
EXECUTIVE OFFICE

P.O. Box 1498, Wewoka, OK 74884  
Phone No. 405-257-6287 Fax. ~~405-257-6209~~  
405-257-7209

FAX COVER SHEET

DATE: July 24<sup>th</sup> 2006.  
SENDER: Historic Preservation Officer / Seminole Nation of Oklahoma.  
DELIVER TO: Mr. W. Dean Stringer  
COMPANY NAME: Orlando Airports District Office  
FAX NUMBER: 1-409-812-6978  
NO. OF PAGES INCLUDING FAX COVER SHEET: 1

MESSAGE:  
Mr. Stringer, The Seminole Nation of Oklahoma is  
not interested in the <sup>site</sup> ~~site~~ dated 2,000 B.C. -  
1200 A.D. located at Robinson Bayou South site  
(RBY935). These dates pre-date the Seminoles  
existence of 1753. Thank you. Paul Bowyer  
HPO.



Preserving America's Heritage

September 6, 2006

Ms. Virginia Lane  
Environmental Specialist  
Orlando Airports District Office  
Federal Aviation Administration  
5950 Hazeltine National Drive, Suite 400  
Orlando, FL 32822-5003

REF: *Proposed Relocation of the Panama City-Bay County International Airport  
Bay County, Florida*

Dear Ms. Lane:

On August 23, 2006, the Advisory Council on Historic Preservation (ACHP) received the Memorandum of Agreement (MOA) you submitted regarding the referenced project. In accordance with Section 800.6(b)(1) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800), the ACHP acknowledges receipt of the MOA executed by the FAA, Panama City-Bay County International Airport and Industrial District, and the Florida State Historic Preservation Officer, along with the required supporting documentation. The filing of the MOA and execution of its terms completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations. Please provide copies of the signed MOA to all consulting parties for their records.

If I can be of additional assistance, please contact me at (202) 606-8520 or by e-mail at [kharris@achp.gov](mailto:kharris@achp.gov).

Sincerely,

Katry Harris  
Historic Preservation Specialist  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004

Phone: 202-606-8503 • Fax: 202-606-8447 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)