

**MEMORANDUM OF AGREEMENT
AMONG
FEDERAL EMERGENCY MANAGEMENT AGENCY
OKLAHOMA STATE HISTORIC PRESERVATION OFFICER
OKLAHOMA DIVISION OF EMERGENCY MANAGEMENT
AND ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE CITY OF GUTHRIE, OKLAHOMA
9TH STREET BRIDGE DEMOLITION PROJECT
FEMA-1058-DR-OK**

WHEREAS, the Federal Emergency Management Agency (FEMA), proposes to provide financial assistance under the Public Assistance Program pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, to the city of Guthrie (City) as the applicant, through the State of Oklahoma Division of Emergency Management (ODEM), for the demolition of the substantially damaged 9th Street Bridge (Undertaking), located in Guthrie, Oklahoma, under Presidential Disaster Declaration FEMA-1058-DR-OK; and

WHEREAS, FEMA, in consultation with the Oklahoma State Historic Preservation Officer (SHPO), has determined that the 9th Street Bridge is eligible for inclusion in the National Register of Historic Places (National Register); and

WHEREAS, FEMA, in consultation with the SHPO, has determined the Undertaking will have an effect upon the historic property pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA) as implemented by 36 CFR Part 800; and

NOW, THEREFORE, FEMA, the SHPO, and ODEM 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 the historic property.

STIPULATIONS

To the extent of its legal authority and in coordination with the SHPO, ODEM, and the City, FEMA will ensure that the following measures are carried out for the demolition of the historic property:

I. Treatment Measures

A. Prior to its removal, the ODEM will ensure that documentation in accordance with the SHPO's Minimum Level Documentation Submittals and Standards for Photo-documentation of the 9th Street Bridge is accomplished. A minimum of four (4) 5" by 7" black and white prints, using a 35 mm film, will be taken.

B. FEMA shall submit all documents to the SHPO for approval prior to the initiation of any demolition activity. The SHPO will respond to FEMA within 15 days of submission.

C. One copy of the approved documentation will be provided to the Oklahoma Territorial Museum in Guthrie, Oklahoma.

D. The bridge plates will be removed and curated at the Oklahoma Territorial Museum in Guthrie, Oklahoma.

II. Dispute Resolution

A. If an objection or dispute should arise within the time frames provided by this MOA to any plans, specifications, or actions provided for review pursuant to this MOA, FEMA will consult further with the objecting party to seek resolution. If FEMA determines that the objection cannot be resolved, FEMA shall forward to the Advisory Council on Historic Preservation (Council) all documentation relevant to the dispute, including FEMA's proposed resolution to the objection. Within 30 calendar days after receipt of all pertinent documentation the Council will either:

1. Advise FEMA that it concurs with FEMA's resolution to the objection.
2. Provide FEMA with recommendations, which FEMA will take into account in reaching a final decision regarding the dispute; or
3. Notify FEMA that it will comment pursuant to 36 CFR Part 800.6 (b) and proceed to comment. Any Council comment provided will be taken into account by FEMA in accordance with 36 CFR Part 800.6(c)(2) with reference to the subject of dispute.

B. Any recommendation or comment provided by Council will be understood to pertain only to the subject of the dispute, and FEMA'S responsibility to carry out all actions that are not subject of the dispute will remain unchanged.

C. Failure to carry out the terms of this Agreement requires that FEMA again request Council's comments in accordance with 36 CFR Part 800. If FEMA cannot carry out the terms of this MOA, it shall not take or sanction any action or make any irreversible commitment that would result in an adverse effect with respect to eligible or designated historic properties covered by this Agreement or would foreclose Council's consideration of modifications or alternatives to the Undertaking that could avoid or mitigate the adverse effect until the comment process has been completed.

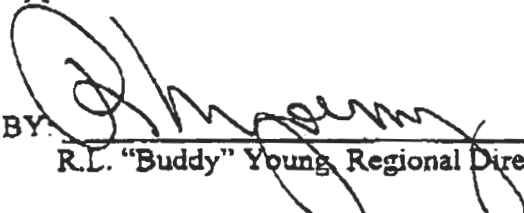
D. If any of the signatories to this MOA believe that the terms of the MOA cannot be carried out, or that an amendment to the terms of this MOA must be made, that signatory shall immediately consult with the other signatories to develop amendments to this MOA. The process of amending this MOA shall be the same as that exercised in creating the original MOA. If an amendment cannot be agreed upon, the dispute resolution process set forth in this Stipulation will be followed.

III. Anticipatory Demolition

FEMA agrees that it will not grant assistance to the City who, with intent to avoid the requirements of this MOA or the National Historic Preservation Act, has intentionally and significantly adversely affected the historic property to which the assistance would relate, or having legal power to prevent it, allowed such significant adverse effect to occur. FEMA may, after consultation with Council, determine that circumstances justify granting such assistance despite the adverse effect created or permitted by the City. FEMA shall specifically advise ODEM of this requirement.

EXECUTION AND IMPLEMENTATION of this Memorandum of Agreement are evidence that FEMA has afforded the Council a reasonable opportunity to comment on FEMA's administration of the Public Assistance Program pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, for the demolition of the 9th Street Bridge in the city of Guthrie, Oklahoma, and its effect on historic properties, thereby satisfying its Section 106 responsibilities.

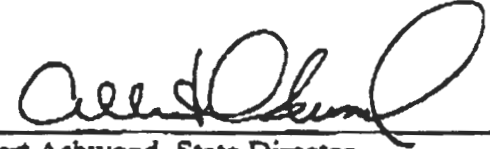
Approved: **FEDERAL EMERGENCY MANAGEMENT AGENCY**

BY:  DATE: 7-12-99
R.L. "Buddy" Young, Regional Director, Region VI


Approved: **OKLAHOMA STATE HISTORIC PRESERVATION OFFICER**

BY:  DATE: 8-1-99
J. Blake Wade, State Historic Preservation Officer

Concur: **OKLAHOMA DIVISION OF EMERGENCY MANAGEMENT**

BY:  DATE: 7/6/99
Albert Ashwood, State Director

Accepted: **ADVISORY COUNCIL ON HISTORIC PRESERVATION**

BY:  DATE: 7/23/99
John Fowler, Executive Director