

**MEMORANDUM OF AGREEMENT  
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
PURSUANT TO CFR 800.6(A)**

WHEREAS, the Federal Highway Administration (FHWA) has determined that Federal-Aid Project BRO-51D(355)CO (State Job No. 13039(04)) will have an adverse impact to the existing pony truss bridge over Cloud Creek in Muskogee County, Oklahoma, a property determined eligible for inclusion in the National Register of Historic Places, and has consulted with the Oklahoma State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

NOW, THEREFORE, FHWA and the Oklahoma 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  
CLOUD CREEK BRIDGE**

FHWA will ensure that the following measures are carried out:

1. In consultation with the Oklahoma SHPO, the Oklahoma Department of Transportation (ODOT) shall develop a marketing plan including the following features:
  - a. An information packet will be prepared containing a description of the bridge, photographs, a location map, information regarding its historic significance, requirements regarding relocation, rehabilitation, and maintenance, and the estimated cost for relocation. Relevant sections of *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* will be included.
  - b. The availability of the bridge for relocation will be advertised in the Tulsa, Oklahoma City, and Muskogee papers. In addition, a press release advertising the bridge will be submitted for dissemination by regional news outlets. A copy of this release will also be provided to local historical societies in Oklahoma. All advertisements will clearly indicate that the bridge structure will be donated to the recipient, and that FHWA may provide reimbursement, equal to the estimated demolition costs, to help defray the expense of relocating the bridge. Advertisements will also indicate that the recipient's cost in moving and rehabilitating the structure may be eligible for partial reimbursement under the enhancement program in Section 1007(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

- c. In cooperation with the SHPO, ODOT will contact appropriate governmental and private agencies that may be willing to assume ownership of the bridge and relocate it to another site. These include (but are not necessarily limited to) the Tulsa River Parks Authority, the Oklahoma State Parks Department, the city of Muskogee, and the United States Army Corps of Engineers, Tulsa District.
- d. All respondents to the above advertisement process must provide a written statement of interest to ODOT that clearly indicates their willingness and ability to relocate, rebuild, and maintain the bridge at a new site, as well as provide an estimated time-frame for the undertaking. Information packets will be provided to all respondents whose written statement of interest meets the above requirements. Respondents will also be provided information regarding applications for enhancement funds that may be made available under Section 1007(a) the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).
- e. Respondents must then submit to ODOT a detailed written proposal for dismantling, moving, relocating, and maintaining the bridge. These proposals must also identify the new site for the bridge and discuss any proposed alterations to its design and general appearance. The Oklahoma SHPO will be afforded the opportunity to review and comment upon all proposals. Preference will be given to proposals that indicate (1) the recipient's ability to relocate the bridge in a reasonable period of time, (2) the recipient's ability to complete the project without assistance from the ISTEA enhancement program, and (3) the recipient's willingness to maintain the historic design and integrity of the bridge. Applications for possible reimbursement under the ISTEA enhancement program may be submitted with the respondents' detailed written proposal.
- f. A period of 45 days will be allowed for the receipt of written statements of interest, with an additional 30 days for the review of any detailed written proposals received by ODOT during the advertising period.
- g. If a new owner is found to relocate the bridge, the FHWA shall evaluate any possible cultural resource impacts caused by construction at the new site, and confer with SHPO regarding the structure's continued eligibility to the National Register of Historic Places. In consultation with SHPO, FHWA shall create a preservation agreement which will apply to the subsequent protection of the bridge.
- h. Reimbursement, equal to the estimated demolition costs, shall be made available by FHWA to recipients willing to abide by the preservation agreement. Any request for possible reimbursement under the ISTEA enhancement program shall be reviewed by ODOT under procedures adopted by the Oklahoma Transportation Commission. The Oklahoma Transportation Commission reserves the right to accept or reject any applications for ISTEA funds. All expenses beyond these possible reimbursements shall be born by the recipient.

- i. If no written statements of interest are received by ODOT within the 45-day advertisement period stipulated in Item 1(f), above, the bridge may then be disposed of as the Muskogee County Commissioners see fit, following completion of the documentation measures specified in Item 2, below.
  
2. Prior to its demolition or removal, the existing bridge will be recorded at the equivalent of Level II documentation as specified by the Historic American Engineering Record (HAER) and incorporated in the 1993 *Oklahoma Historic Bridge Project Preservation and Management Plan*, as approved by the Oklahoma SHPO. This will include the following:
  - a. Large format, archival quality photographs of the bridge documenting its present appearance and major structural or decorative details.
  - b. Photographic reproduction of selected original construction plans and historic photographs, if they exist.
  - c. Preparation of a brief written technical description of the bridge and historical summary.

All documentation will be edited, catalogued, and packaged in a manner acceptable to the Oklahoma SHPO. The Oklahoma SHPO will be the repository for the documentation.

Execution of this Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Council an opportunity to comment on the replacement of the Cloud Creek Bridge in Muskogee County and its effects on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

Federal Highway Administration

BY: Mike Hewon DATE: 9/14/94

Oklahoma State Historic Preservation Officer

BY: [Signature] DATE: Sept 94

ACCEPTED for the Advisory Council on Historic Preservation

BY: [Signature] DATE: 10/6/94