

**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-74D(158)CO, State Job No. 15310(04), will have an adverse impact to the existing pony truss bridge over Nellie Bly Creek in Washington County, Oklahoma, a property determined eligible for inclusion in the National Register of Historic Places (NRHP), 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
NELLIE BLY CREEK BEDSTEAD TRUSS BRIDGE**

The Nellie Bly Creek Bridge lacks historical references but was determined eligible to the NRHP by virtue of being an excellent example of the bedstead pony truss. Because Washington County has already begun negotiations with a qualified non-profit organization willing to relocate the structure to a new site for use as a pedestrian bridge, SHPO and FHWA agree that a formal attempt to market the Nellie Bly Creek Bridge is unnecessary. Therefore, no marketing effort will be undertaken by FHWA and the Oklahoma Department of Transportation. This decision reflects the particular circumstances affecting this structure and constitutes an exception to the usual marketing procedures recommended by the 1993 *Oklahoma Historic Bridge Project Preservation and Management Plan* approved by the Oklahoma SHPO.

FHWA will ensure that the following measures are carried out:

1. Washington County shall donate the Nellie Bly Creek Bridge to the John Zink Foundation for use as a pedestrian facility on the John Zink Scout Ranch near Skiatook, Oklahoma, pending a final determination by the recipient that the bridge can be relocated without damage or need for extensive reconstruction. Should the bridge be successfully relocated, FHWA will provide funds, not to exceed estimated demolition costs, to reimburse moving expenses incurred by the John Zink Foundation.

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 Nellie Bly Creek Bridge in Washington 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: Jack Z. Welch DATE: 2/13/97

Oklahoma State Historic Preservation Officer

BY: Blake Wade DATE: 1-29-97

Washington County Commissioners

BY: Don M. Calman DATE: 3-3-97

ACCEPTED for the Advisory Council on Historic Preservation

BY: John M. Fowler DATE: 4/18/97