

**AMENDMENT TO
MEMORANDUM OF AGREEMENT
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR 800.6(A)**

WHEREAS, the Federal Highway Administration (FHWA) has determined that Federal-Aid Project BRO-125D(144)CO; State Job 23642(04) will have an adverse impact to the existing Warren with verticals pony truss bridge in Garvin County, Oklahoma (Structure 25D3120E1700009), 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); and

WHEREAS, in accordance with 36 CFR Part 800.6(a)(1), the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse impact determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR Part 800.6(a)(1)(iii); and

WHEREAS, an MOA was executed between the SHPO, the Oklahoma Department of Transportation (ODOT), and FHWA; and

WHEREAS, on May 28, 2007, the wash out of the south stream bank caused the south end of the Warren with verticals pony truss bridge to fall into Salt Creek when the south bank abutment, piers, and approach span collapsed, damaging the truss;

WHEREAS, FHWA and the Oklahoma SHPO agree that, because of this collapse and the likelihood of further damage to the bridge which would result from emergency removal from the creek, it is no longer feasible for ODOT to carry out Stipulations 1 and 2 of the MOA requiring marketing and HAER Level II documentation of the bridge; and

WHEREAS, all provisions of the original MOA not specifically revised under the terms of this amendment remain in force;

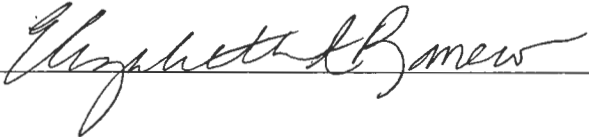
NOW THEREFORE, FHWA and the SHPO agree that the following stipulation shall constitute mitigation of the adverse effect on the historic property.

STIPULATION


ODOT shall consult with the SHPO to select the appropriate set of photographic images of the Salt Creek Bridge to be produced for retention in the SHPO's files. The photographs shall be selected from the views included in documentation already on file with the SHPO, and the images shall be produced on appropriate photographic paper in accordance with guidance from the SHPO. ODOT shall submit this documentation to the SHPO within fifteen (15) days of execution of this amendment. Furthermore, the removal of the bridge from the stream and the replacement project may proceed immediately.

Execution of this amendment to the original Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Council an opportunity to comment on the removal of the Salt Creek Bridge and that FHWA has taken into account the effects of the undertaking on historic properties.

Federal Highway Administration

BY:  DATE: 6-27-07

Oklahoma State Historic Preservation Officer

BY:  DATE: 6-27-07

Oklahoma Department of Transportation

BY:  DATE: 6/28/2007