

**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 SSP-036C(267)SS; State Job 12302(04), bridge replacement on SH-156 over Salt Fork of Arkansas River will have an adverse impact to the 101 Ranch Historic District, a property listed on the National register of Historic Places (NRHP) and National Historic Landmark (NHL), 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);

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 effect 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);

WHEREAS, in accordance with 36 CFR Part 800.6 and 800.10, the FHWA has notified the National Park Service (NPS) of its adverse effect determination with specified documentation and the NPS has chosen not to participate in the consultation process:

NOW, THEREFORE, FHWA, Oklahoma Department of Transportation, 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
101 RANCH HISTORIC DISTRICT
NRHP # 73001560**

The 101 Ranch Historic District and NHL consist of the main headquarters area for the 101 Ranch operations. While most of the buildings were demolished in the 1940's, when originally listed in 1973 a few of the buildings remained in the district. Since that time most of the remaining buildings have been lost to fire and erosion due to in cutting by the Salt Fork of Arkansas River. However, several features and foundations of some of the buildings, including the "White House" and 101 Ranch Store remain. Among the remaining elements contributing to the Historic District is the existing 1924 Modified Pratt Through Truss bridge on SH-156 over Salt Fork of Arkansas River. The replacement of the bridge will require its removal as well as impact a historic road cut feature just west of the bridge that represents and a former ford and ferry road used in the early operations of the 101 Ranch. This old road cut has also been determined a contributing element to the Historic District. Both the removal of the 1924 truss bridge and modifications to the old ferry/ford road cut have been determined an adverse impact to the NRHP 101 Ranch District.

I. FHWA will ensure that the following measures are carried out:

1. Documentation of the remaining ruins and features in NRHP 101 Ranch Historic District.

a) Conduct intensive pedestrian survey of the main ranch headquarters area to identify all remaining ruins as feasible (some ruins may be buried under several feet of recent alluvium). This will entail ground survey, background research and some limited remote sensing. Some limited subsurface testing may be conducted, only to confirm findings. All the area owned by the 101 Ranch Old Timers Association (most of the current NRHP 101 Ranch Historic District) will be investigated. Features/foundations on private property east of SH-156 will be investigated and documented if landowner permission is obtained.

b) Photo document all ruins and draw plan maps of all ruins. Plan maps of the "White House" and 101 Ranch store ruins will be subject to more detailed maps.

c) Locate original roads/trails and sidewalks through the main headquarters area.

2. ODOT will provide expertise and recommendations on the preservation and stabilization of the existing 101 Ranch ruins, focused on the White House, 101 Ranch Store, animal cage, dairy barn, silos and small power house. This will be provided as a written report containing recommendations regarding the preservation, stabilization and management of the 101 Ranch Historic District.

3. Prior to its demolition or removal, the existing 1924 Modified Pratt Through truss (Structure # 3606 0089 X) 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. All photographic documentation will meet SHPO standards.

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.

4. 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 trusses for relocation will be advertised in the Oklahoma City, Tulsa, and Ponca City papers. In addition, a press release advertising the bridge will be submitted for dissemination by regional news outlets.
 - c. 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.
 - d. 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, and (2) the recipient's willingness to maintain the historic design and integrity of the bridge.
 - e. A period of 45 days will be allowed for the receipt of written statements of interest, with an additional 45 days for the review of any detailed written proposals received by ODOT during the advertising period.
 - f. 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.
 - g. Reimbursement, equal to the estimated cost to demolish the structure, may be made available by FHWA to recipients willing to abide by appropriate preservation agreements. All expenses beyond this possible reimbursements shall be born by the recipient.

h. If no written statements of interest are received by ODOT within the 45-day advertisement period stipulated in Item 4(e), above, the bridge may be disposed of as the ODOT see fit, following completion of the documentation measures specified in Item 3, above.

5. If marketing of the trusses is unsuccessful, ODOT will remove the bridge plates and donate to them to the 101 Ranch Oldtimers Association for their museum display at the Marland Grand Home museum in Ponca City.

6. ODOT will gather information regarding any areas on the former ranch that may be of significance to the Ponca Nation and potentially NRHP eligible as part of the NRHP 101 Ranch Historic District, through archival research and, if possible, interviews with living participants and direct decedents to obtain views and perspectives on the 101 Ranch.

7. ODOT will construct the new bridge an open concrete rail system with 5 ft openings and 5 ft post rather than a solid concrete rail.

8. ODOT will stain the concrete on the upper portions of the bridge a color compatible with the setting to lessen the visual impact of the new bridge.

9. ODOT will prepare a final narrative report describing the above mitigation measures for submission to SHPO and the National Park Service, to update NRHP-District files and NPS National Historic Landmark files. The Oklahoma SHPO will be the repository for all documentation.

II. The following measures may be implemented, pending the agreement of outside parties:

1. ODOT will attempt to obtain a preservation easement including the ferry/ford road cut with a commitment to preserve what remains of the feature after the bridge construction. In the event the current landowner is resistive to granting such an easement, this measure will not be pursued.

2. ODOT will consider installing signage on highways north (US-64) and South (US-77 & SH-15) of 101 Ranch providing mileage/direction to site. This stipulation will only be accomplished if it meets established criteria for signage on the State Highway system and has appropriate legislative support.

3. ODOT will request that the new bridge be named "101 Ranch Memorial Bridge". This stipulation will require legislative approval.

III. Dispute Resolution. Should any signatory party to this MOA object at any time to the actions proposed or the manner in which the terms of this MOA are implemented, FHWA

shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

A. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

- IV. Amendment. This MOA may be amended when such amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.
- V. Termination. If any signatory to this MOA determines that its terms will or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per stipulation IV, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories. Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

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 1924 Modified Pratt Through Truss bridge on SH-156 in Kay County (Bridge 3606 0089 X) 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:  DATE: 10-20-08

Oklahoma State Historic Preservation Officer

BY:  DATE: 9-22-08

Oklahoma Department of Transportation

BY:  DATE: 10-03-08