

AMENDMENT No. 1 TO
MEMORANDUM OF AGREEMENT
AMONG
THE OKLAHOMA WATER RESOURCES BOARD,
TAHLEQUAH PUBLIC WORKS AUTHORITY,
THE CHEROKEE NATION,
AND THE STATE HISTORIC PRESERVATION OFFICER
REGARDING RESOLUTION OF ADVERSE EFFECTS TO THE NATIONAL REGISTER OF HISTORIC PLACES
LISTED ILLINOIS CAMPGROUND (34CK136) RESULTING FROM THE CITY OF TAHLEQUAH
CLEAN WATER STATE REVOLVING FUND LOAN PROJECT ORF-19-0014-CW,
CHEROKEE COUNTY, OKLAHOMA

WHEREAS, the Memorandum of Agreement (MOA) was executed on April 16, 2020, and has a duration of ten (10) years;

WHEREAS, the Tahlequah Public Works Authority (TPWA) had completed 95% of the construction of the Flow Equalization Basin (FEB) on December 8, 2021. In March 2022, TPWA started the solicitation of bids from landscape contractors for the Visual Barrier installation work in anticipation of the upcoming FEB construction completion. The FEB construction was completed and the structure placed into service on May 17, 2022;

WHEREAS, on April 5, 2022, G & H Outdoor Service was the only contractor to reply with a bid proposal. The bid contained many plant species substitutions. When the Oklahoma Water Resources Board (OWRB) asked for justification of substitutions for further analysis, G & H Outdoor Service rescinded the bid proposal;

WHEREAS, TPWA solicited a second round of bids in May 2022. Frank Sharum Landscape Design, Inc. (Frank Sharum LD) was the only contractor to reply with a bid proposal on July, 7, 2022. The bid proposal by Frank Sharum LD was for the original scope of work as designed by the Planning Design Group on December 14, 2020. The Visual Barrier design was approved by the signatories on November 11, 2020, as per Stipulation I.A. TPWA was required to have the Visual Barrier work contract with Frank Sharum LD approved by their Board Council prior to finalizing the contract. The contract was approved and signed on November 18, 2022;

WHEREAS, due to weather delays, plant availability, and schedule availability of Frank Sharum LD, the Visual Barrier installation broke ground on March 27, 2023. As of April 6, 2023, the irrigation system had been installed and was waiting on power and utility hook-ups from the City of Tahlequah. Frank Sharum LD will return to plant the vegetation once the power and utility hook-ups are completed;

WHEREAS, TPWA has requested a ninety (90) day extension of the timeline specified in Stipulation I.B. to complete the installation of the Visual Barrier;

WHEREAS, the OWRB will send a copy of this executed amendment to the ACHP;

NOW, THEREFORE, in accordance with Stipulation I.B. of the Agreement, the OWRB, TPWA, the Cherokee Nation, and the State Historic Preservation Officer agree to amend the Agreement as follows:


1. Amend Stipulation I.B. so it reads as follows:

The visual barrier shall be constructed along the east bank of the Tahlequah Creek only on the property owned by the Authority between the Illinois Campground and the new FEB within 455 days after the construction completion of the new FEB or within 455 days of the signed Final VBI plan approval by all signatories; whichever occurs later.

All other sections of the MOA remain unchanged.

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SIGNATORY:



Joe Freeman
Chief, Financial Assistance Division, Oklahoma Water Resources Board

5/3/2023

Date

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SIGNATORY:

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Chad Harsha
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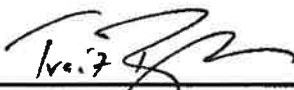
5/12/2023 | 10:35 AM CDT

Chad Harsha
Secretary of Natural Resources, Cherokee Nation

Date

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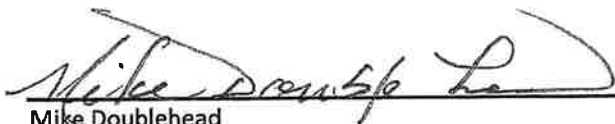
Trait Thompson
State Historic Preservation Officer, Oklahoma Historical Society

4/24/23

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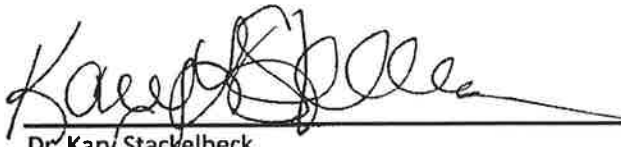


Mike Doublehead
General Manager, Tahlequah Public Works Authority

4/21/22
Date

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INVITED SIGNATORY:



Dr. Kary Stackelbeck
State Archeologist, Oklahoma Archeological Survey

4/21/23

Date