

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 RS-4033(100)C, replacement of the Big Eagle Creek Bridge in LeFlore County, Oklahoma, will have an adverse effect upon the existing truss bridge, 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
BIG EAGLE CREEK BRIDGE

FHWA will ensure that the following measures are carried out:

1. Construction of the new bridge will proceed as planned following execution of this MOA and completion of the Section 4(f) Statement by the Oklahoma Department of Transportation (ODOT). The existing Big Eagle Creek Bridge will be maintained in place during construction of the new facility. During this period, it will be used as a traffic detour. ODOT will make no modifications to the structure that detract from its architectural significance while it is serving as a detour.
2. In cooperation with the SHPO, the Oklahoma Department of Transportation will attempt to identify public or private agencies that would be willing to assume ownership and responsibility for the Eagle Creek Bridge and relocate it to another site. The following plan will be followed in this effort:
 - a. An information packet will be prepared, containing a description and photographs of the Eagle Chief Bridge, a discussion of its historic importance, general requirements regarding safe and appropriate reuse, and an estimate of the Federal funding that may be available to assist in the relocation of the structure. Relevant sections of The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings will be included.
 - b. In cooperation with the SHPO, ODOT will contact appropriate Federal, State, and private agencies that may be willing to assume ownership of the Big Eagle

Creek Bridge and relocate it to another site. These include (but are not necessarily limited to) the LeFlore County Commissioners, the Oklahoma State Parks Department, the United States Army Corps of Engineers, the Rails to Trails Conservancy, and the Tulsa River Parks Authority.

- c. ODOT will prepare a press release for submission to regional news outlets indicating LeFlore County's desire to transfer the Big Eagle Creek Bridge to any public or private entity willing and able to rebuild and maintain the structure at another location. This notice will clearly indicate that the structure will be donated and that the Federal Highway Administration may provide funding, equal to the estimated demolition costs, to help defray relocation and reconstruction expenses. Legal advertisements will be placed in the Oklahoma City and Tulsa papers, as well as in appropriate local papers.
- d. All respondents to the above advertisement process must provide a written statement of interest that clearly indicates their willingness and ability to relocate, rebuild, and maintain the bridge at its new site, as well as provide an estimated time frame for the undertaking. The statement of interest should also clearly state whether the respondent intends to store the structure for a period of time prior to its eventual reconstruction. Information packets will be provided to all respondents whose statement of interest meets the above requirements.
- e. Respondents will then be required to submit a detailed written proposal for dismantling, moving, relocating, and maintaining the Big Eagle Creek Bridge. Proposals should also clearly identify the proposed new site for the bridge and how it will be used. Any alterations to its design and general appearance must be specifically discussed. 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 recipients' willingness and ability to relocate and rebuild the structure in a reasonable period of time, and (2) the recipients' willingness and ability to maintain the historic design and setting integrity of the bridge.
- f. If a new owner is found to relocate the bridge, the FHWA shall evaluate any possible cultural resources 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.

- g. A grant, equal to the estimated demolition cost of the Big Eagle Creek Bridge, will be offered by FHWA to any party agreeing to assume ownership of the structure and relocate it under provisions of an approved preservation agreement
 - h. If there are no recipients willing to abide by a preservation agreement, FHWA may, with the approval of SHPO, permit the bridge to be transferred in the absence of such an agreement. In this case, FHWA shall be under no obligation to provide financial assistance to the recipient.
 - i. The effort to identify a new owner of the historic Big Eagle Creek Bridge shall continue until a new owner of the bridge is identified, or until the new structure is completed and open to traffic, whichever comes first.
 - j. If no new owner is found for the historic Big Eagle Creek Bridge by the time that the new facility is open to traffic, it shall be disposed of by the construction contractor following completion of all documentation measures specified in Item 3, below.
3. Prior to completion of the new bridge, the historic Big Eagle Creek Bridge will be documented at its present site so that there will be a permanent record of its appearance and history. This will include the following:
- a. Complete photographic documentation following general guidelines established by the Historic American Building Survey and the Historic American Engineering Record (HABS/HAER).
 - b. Preparation of HABS/HAER standard drawings of the bridge. Under consultation with SHPO, this stipulation may be waived if (1) the Big Eagle Creek Bridge is reinstalled within 90 days of its removal from the original site, or (2) photographic reproductions of the original design plans are submitted.
 - c. Preparation of a written narrative history of the Big Eagle Creek Bridge, placing the structure in perspective within the bridge-building history of Oklahoma.

All documentation will be edited, catalogued, and packaged in a manner acceptable to the Oklahoma SHPO. Since the Big Eagle Creek Bridge is significant primarily on a local and state level, the Oklahoma SHPO will be the repository for the documentation.

Execution of this Memorandum of Agreement by the FHWA and the Oklahoma SHPO, its subsequent acceptance by the Council, and implementation of its terms, evidence that the FHWA has afforded the Council an opportunity to comment on the replacement of the Big Eagle Creek Bridge 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: _____

Oklahoma State Historic Preservation Officer

BY: Blake Wade DATE: 21 Aug 92

ACCEPTED for the Advisory Council on Historic Preservation

BY: _____ DATE: _____

**Advisory
Council On
Historic
Preservation**

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

Reply to: 730 Simms Street, #401
Golden, Colorado 80401

December 10, 1992

Mr. Gary E. Larsen
Division Administrator
Federal Highway Administration
Room 454 Federal Office Building
200 Northwest 5th
Oklahoma City, OK 73102-3288

REF: Memorandum of Agreement regarding the Big Eagle Creek Bridge

Dear Mr. Larsen:

The enclosed Memorandum of Agreement regarding the Bridge Eagle Creek Bridge Replacement Project has been accepted by the Council. This action constitutes the comments of the Council required by Section 106 of the National Historic Preservation Act and the Council's regulations. Please send copies of the signed Agreement to Oklahoma State Historic Preservation Officer and your Federal Preservation Officer.

The Council appreciates your cooperation in reaching a satisfactory resolution of this matter.

Sincerely,



Claudia Nissley
Director, Western Office
of Project Review

Enclosure

RECEIVED
JAN 12 '93
BY SHPO