



## Appendix 4f-A

# Memorandum of Agreement

CCO Form:  
Approved: 4/09 (ASB)  
Revised:  
Modified:

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FEDERAL  
HIGHWAY ADMINISTRATION, AND MISSOURI HISTORIC PRESERVATION OFFICE  
MEMORANDUM OF AGREEMENT  
FOR MITIGATION OF ADVERSE EFFECTS**

**HISTORIC PROPERTIES:** Lincoln University President's Home, Craftsman/Monastery Historic District, cultural resources survey at properties with denied access, and yet undesignated cultural resources found to be historic properties.

**UNDERTAKING:** Improvements to the Whitton Expressway (US Highway 50/63), including an overpass at Madison Street, a new interchange at Lafayette Street, and realignment of Clark Avenue, Missouri Department of Transportation Job Number J5P0820B, Jefferson City, Cole County.

**STATE:** Missouri.

**AGENCY:** Federal Highway Administration.

**WHEREAS**, the Federal Highway Administration (FHWA) has determined that the improvements to the Whitton Expressway will have an adverse effect upon the Lincoln University President's Home and the Craftsman/Monastery Historic District, which have been determined eligible for inclusion to the National Register of Historic Places (NRHP), and has consulted with the Missouri State Historic Preservation Office (SHPO) pursuant to the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

**WHEREAS**, access to some properties, for the purposes of cultural resources survey, was denied, leaving areas with unknown resources and the potential for historic properties. Areas that were not surveyed are identified in the technical reports for *Architectural Survey of the Proposed Improvements to the Rex Whitton Expressway, Jefferson City, Cole County, Missouri*, and *Archaeological Survey of the Proposed Improvements to the Rex Whitton Expressway, Jefferson City, Missouri*. Copies of the technical reports are on file at the SHPO and the Historic Preservation Section of MoDOT; and

**WHEREAS**, the consulting parties agree that the full impacts of the Whitton Expressway undertaking on archaeological resources cannot be determined until the final design has been completed; and

**WHEREAS**, the Advisory Council on Historic Preservation (ACHP) has been invited to participate in this Memorandum of Agreement (MOA); and

**WHEREAS**, the Missouri Highways and Transportation Commission (MHTC), acting by and through the Missouri Department of Transportation (MoDOT), has been invited to concur in this Memorandum of Agreement (MOA); and

**NOW, THEREFORE**, FHWA and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations.

### **STIPULATIONS**

FHWA will ensure that the following measures are carried:

1. As mitigation for the adverse effects to this project to the Lincoln University President's Home, the MHTC, acting by and through MoDOT, will develop documentation to the following specifications:
  - a. 8X10 inch black and white photographs printed on archival paper of the affected stone well house and wall. Photographs will be prepared and labeled to NRHP standards.
  - b. A site plan showing the original relationship between the well house, wall and other contributing resources on the parcel shall be created.
  - c. The well house and wall shall be relocated on the Lincoln University President's Home property to a location outside of the projects impacts.

A copy of the final documentation shall be provided to the SHPO, Lincoln University, and the Missouri River Regional Library within 5 years after resources are affected. Additional copies shall be provided to the appropriate local historical societies, and retained by MoDOT.

2. As mitigation for the adverse effects of this project to the Craftsman/Monastery Historic District:
  - a. 8X10 inch black and white photographs printed on archival paper, showing streetscapes of the historic districts and the main facades of each of the adversely affected buildings. Photographs will be prepared and labeled to NRHP standards.
  - b. A site plan shall be prepared for the historic district showing all the contributing elements of the historic district.
  - c. A historic context for the development of the historic district, sufficient to explain its significance will be prepared.
  - d. A written architectural description of the historic district will be prepared.

A copy of the final documentation shall be provided to the SHPO, Lincoln University, and the Missouri River Regional Library within 5 years after resources are affected. Additional copies shall be provided to appropriate local historical societies, and retained by MoDOT.

3. Prior to construction of improvements related to the undertaking, the following measures will be carried out in consultation with the SHPO to evaluate the effects of the proposed undertaking on all NRHP-eligible archaeological sites and to resolve adverse effects that cannot be avoided.
  - a. The FHWA shall ensure that a reasonable and good faith effort is made to identify and evaluate archaeological sites that may be present within those portions of the area of potential effects (APE) that have not previously been surveyed. Identification efforts will be conducted in a manner consistent with the SHPO guidance and the *Secretary of the Interior's Standards and Guidelines for Identification* [48 Fed. Reg. 44716 – 44739 (September 29, 1983)]. The FHWA shall evaluate sites identified through these processes in accordance with 36 CFR § 800.4(c). If sites are identified that may be eligible for the NRHP, the FHWA shall apply the criteria of adverse effect [36 CFR § 800.5(a)(1)] in consultation with the SHPO, taking into consideration any views concerning such effects that have been provided by the Tribes, other consulting parties and the public.
  - b. Archaeological testing will be conducted to assess the NRHP eligibility of site 23CO1612 (the Duke Diggs Home site) and any other archaeological sites identified as needing archaeological testing under Stipulation 3a above. If project plans and/or impacts change so that the site will not be impacted, no additional cultural resources investigations will be conducted.
  - c. The results of the archaeological investigation of sites and portions of sites located within the APE, as well as reports resulting from testing undertaken to identify deeply buried sites and historic properties in areas not previously surveyed, will be submitted to the SHPO for review
  - d. The FHWA shall consult with the SHPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects to NRHP-eligible archaeological sites.

- e. Where adverse effects cannot be avoided, the FHWA shall consult with the SHPO and other consulting parties to resolve the adverse effects, consistent with guidance provided in 36 CFR § 800.6, through the implementation of Archaeological Data Recovery Plan(s) developed in accordance with the Advisory Council on Historic Preservation's (Council) *"Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites"* (64 FR 27085-87 published in the *Federal Register* on May 18, 1999) Council's *Handbook on Treatment of Archaeological Properties* and the *Secretary of the Interior's Standards for Archaeological Documentation*; and
  - f. The FHWA shall ensure that reports on archaeological data recovery carried out pursuant to this agreement are provided to the SHPO.
  - g. The FHWA shall ensure that all materials and records resulting from archaeological investigations conducted under terms of this MOA are curated by a qualified institution in accordance with 36 CFR Part 79.
4. Within one year after carrying out the terms of the MOA, the FHWA shall provide a written report regarding the actions taken to fulfill the terms of the agreement to all signatories.
  5. If any signatory proposes that this agreement be amended, the FHWA shall consult with the other parties to this agreement. Said amendment shall be in writing, governed in accordance with 36 CFR 800.6, and executed by all signatories to this MOA.
  6. An original copy of this MOA will be provided to each signatory. A copy will be transmitted to the ACHP for inclusion in their files.
  7. Failure to carry out the terms of this MOA requires that the FHWA again request the comments of the ACHP in accordance with 36 CFR Part 800. If FHWA cannot carry out the terms of the agreement, it shall not take or sanction any action or make any irreversible commitment that may affect historic properties until such time as the ACHP has been given the opportunity to comment on the full range of project alternatives which might avoid or mitigate any adverse effects.
  8. Execution of this MOA, and carrying out its terms, evidences that the FHWA has afforded the ACHP an opportunity to comment on the improvements to the Whitton Expressway and its effects on historic properties, and that FHWA has taken into account the effects of the project on historic properties, in accordance with Section 106 of the National Historic Preservation Act.
  9. This agreement shall commence upon having been signed by the FHWA and SHPO and MHTC shall be null and void if its terms are not carried out within ten

(10) years from the date of its execution, unless the FHWA and SHPO and MHTC agree in writing to an extension for carrying out its terms.

10. If any signatory determines the terms of the MOA cannot be carried out, the signatories shall consult to seek amendment. If the MOA is not amended any signatory may terminate the MOA by providing the other signatories with written notice of termination. Termination will become effective upon the date specified in the notice of cancellation sent to the signatories. If the MOA is terminated, the FHWA shall execute a new MOA or request the comments of the ACHP.

*(Remainder of Page Intentionally Left Blank)*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the MHTC this 17<sup>th</sup> day of June, 2009.

Executed by the Federal Highway Administration this 10<sup>th</sup> day of July, 2009.

Executed by the Missouri Historic Preservation Office this 4<sup>th</sup> day of June, 2009.

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

By: [Signature]

Title Chief Engineer

Attest: (SEAL)

[Signature]

Secretary to the Commission

Approved as to Form:

[Signature]

Commission Counsel

FEDERAL HIGHWAY  
ADMINISTRATION

By: [Signature]

Title: Env. Projects Team Leader

Attest:

By: \_\_\_\_\_

Title: \_\_\_\_\_

THE MISSOURI HISTORIC  
PRESERVATION OFFICE

By: [Signature]

Title: DSHPD

Attest:

By: \_\_\_\_\_

Title: \_\_\_\_\_

**Information to Accompany**

**Available Upon Request**