

**(EXAMPLE DOCUMENT)**

**MEMORANDUM OF AGREEMENT  
FOR MITIGATION OF ADVERSE EFFECTS**

**TO HISTORIC PROPERTY:** Bridge J0719 (Osage River Bridge) in XXXXX County.

**UNDERTAKING:** The proposed replacement of the Osage River Bridge at Tuscumbia with a new structure on new alignment by XXXXX County (County) Route 17 Job No. BRO-XXX(X) will result in the removal of the existing historic bridge, which will have an “adverse effect” on the structure.

**COUNTY:** XXXXX.

**STATE:** Missouri.

**AGENCY:** Federal Highway Administration.

**WHEREAS**, the Federal Highway Administration (FHWA) has determined that the replacement of the Osage River Bridge (J0719) will have an adverse effect upon the historic bridge, which has 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**, the Advisory Council on Historic Preservation (ACHP) has been invited to participate in this Memorandum of Agreement (MOA); and

**WHEREAS**, the County has participated in the consultation and has been invited to sign this MOA; and

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

**STIPULATIONS (EXAMPLE TEXT)**

FHWA will ensure that the following measures are carried out as mitigation for the adverse effects of this project:

1. The County will contact the SHPO for specifics and develop documentation along the following lines:
  - a. 8X10 inch black and white photographs printed on archival paper sufficient to fully document overall views and details of the Osage River Bridge. The 35mm negatives also will be provided.
  - b. A historic narrative and technical description for Bridge J0719.

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- c. A copy of the original 1932 construction plans for Bridge J0719, if available.
- d. A copy of the final documentation shall be provided to the SHPO. Additional copies shall be provided to the appropriate local historical societies, and retained by the County.

2. Advertisement for Adaptive Reuse:

The County shall consult with the SHPO to determine the appropriate approach and method for bridge marketing to be used for Bridge No. J0719. The County, the SHPO, and the FHWA shall agree to the approach and method prior to implementation.

If ownership of the bridge (or parts thereof) is transferred to another party, the transfer deed will include preservation covenants that require the new owner to move and maintain the bridge in accordance with the “Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.” (Any proposed reuse plan and specifications will be forwarded to FHWA for review and approval in consultation with the SHPO, and the County.)

If no party is found to take possession of the existing bridge, it may be removed.

- 3. Within one year after carrying out the terms of the MOA, the County shall provide a written report regarding the actions taken to fulfill the terms of the agreement to all signatories.
- 4. If any signatory proposes that this agreement be amended, the FHWA shall consult with the other parties of this agreement. Said amendment shall be in writing, governed in accordance with 36 CFR 800.6, and executed by all parties to the Memorandum of Agreement.
- 5. 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 it. If the MOA is terminated, the FHWA shall execute a new MOA or request the comments of the ACHP.
- 6. Three (3) copies of this MOA will be provided, one to each signatory. One (1) 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.

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8. Execution of this MOA, and carrying out its terms, evidences that the FHWA has afforded the ACHP an opportunity to comment on the replacement of the Osage River Bridge J0719 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 shall be null and void if its terms are not carried out within five (5) years from the date of its execution, unless the FHWA and SHPO agree in writing to an extension for carrying out its terms.

**Signed:**

**Federal Highway Administration:**

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

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

**Missouri State Historic Preservation Office:**

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

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

**Concur:**

**County of XXXXX:**

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

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

**(EXAMPLE TEXT)**

**INFORMATION TO ACCOMPANY  
THE MEMORANDUM OF AGREEMENT  
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**TO HISTORIC PROPERTY:** Bridge J0719 (Osage River Bridge) in XXXXX County.

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**COUNTY:** XXXXX

**STATE:** Missouri.

**AGENCY:** Federal Highway Administration (FHWA).

I. Project Description **(EXAMPLE TEXT)**

County Project No. BRO-XXX(X) located 1.0 mile east of Tuscumbia is designed to improve the safety and efficiency of Route 17 over the Osage River by replacing existing Bridge J0719 with a new structure on new alignment to the west, and removing the existing structure. This plan will avoid a slide area on the southeast side of the approach to the existing bridge. The project will involve some new right-of-way but no existing archaeological sites or buildings will be involved (Appendix A). The Osage River Bridge (J0719) has been determined eligible for the National Register of Historic Places (NRHP), and its replacement is considered to be an "adverse effect" on the structure. The County and the Federal Highway Administration (FHWA) will fund this project.

II. Previous Work **(EXAMPLE TEXT)**

The 1996 Missouri Historic Bridge Inventory survey first evaluated the Osage River Bridge as NRHP “possibly eligible” in 1993. It is currently on the Missouri Historic Bridge List and is NRHP eligible as per the corresponding Programmatic Agreement signed on October 1, 2003, for the Missouri Historic Bridge Management Plan. The current project will replace the existing bridge on new alignment. County archaeological staff conducted a field survey and testing of the project area during March of 2007. Two archaeological sites were discovered but neither site was considered to be significant. On June 11, 2007, the SHPO formally agreed with those recommendations, which cleared the project area for archaeology. The SHPO also agreed that the bridge was NRHP eligible, and that an MOA should be done stipulating SHPO level archival documentation and advertisement for adaptive reuse as mitigation for the replacement of the Osage River Bridge J0719. A standard two-party MOA with stipulations for mitigation of the historic bridge would be drafted (Appendix B), and the structure would be covered under a Programmatic Section 4(f) evaluation statement.

III. Description of the Historic Property **(EXAMPLE TEXT)**

Built 1932-33, the Osage River Bridge J0719 on Route 17 at Tuscumbia consists of two steel rigid-connected cantilevered through truss spans, with a five-panel rigid-connected Warren deck truss approach span at each end, six steel stringer approach spans at the north end, and one steel stringer approach at the south end. The main spans are on reinforced concrete dumbbell piers, and the approaches are on rectangular concrete spill-through columns and caps. The standard abutments, wingwalls, and piers are also of concrete. The bridge measures 1,084 feet in total length with a 20-foot roadway width. The 1996 Missouri Historic Bridge Inventory survey originally evaluated it as NRHP possibly eligible with a significance rating of 53, but it is currently is on the Missouri Historic Bridge List and is NRHP eligible as per the corresponding Programmatic Agreement signed on October 1, 2003 for the Missouri Historic Bridge Management Plan.

IV. Adverse Effect on the Historic Property **(EXAMPLE TEXT)**

This project will replace the Osage River Bridge J0719, which has been determined NRHP eligible under Criteria C in the area of Engineering. This action constitutes an "adverse effect" to the bridge as described in 36 CFR 800.3 (b) (1) (4) of the National Historic Preservation Act.

V. Alternative Courses of Action **(EXAMPLE TEXT)**

There are three alternative courses of action concerning this project. The no-built alternative (1) would have "no effect" on the historic bridge. The rehabilitation of the existing structure (Alternative 2) would have "no adverse effect" barring any major alteration or reconfiguration of the bridge superstructure or substructure. Complete bridge replacement (Alternative 3) would have an "adverse effect" on Osage River Bridge J0719 (Appendix B).

VI. Alternative 3 with Mitigation through Photographic and Historical Documentation, and Advertisement for Adaptive Reuse. **(EXAMPLE TEXT)**

There is no viable alternative to the replacement of the Osage River Bridge with data recovery through photographic and historical documentation of the bridge, and advertisement for adaptive reuse as determined in consultation with the Missouri SHPO and FHWA. This mitigation will be performed prior to commencement of project activities (Appendix B).

VII. Proposed Action **(EXAMPLE TEXT)**

FHWA will ensure that the following measures are carried out as mitigation for the adverse effects of this project:

1. The County will contact the SHPO for specifics and develop documentation along the following lines:

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- a. 8X10 inch black and white photographs printed on archival paper sufficient to fully document overall views and details of the Osage River Bridge. The 35mm negatives also will be provided.
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- c. A copy of the original 1932 construction plans for Bridge J0719, if available.
- d. A copy of the final documentation shall be provided to the SHPO. Additional copies shall be provided to the appropriate local historical societies, and retained by XXXXX County.

2. Advertisement for Adaptive Reuse:

The County shall consult with the SHPO to determine the appropriate approach and method for bridge marketing to be used for Bridge No. J0719. The County, the SHPO, and the FHWA shall agree to the approach and method prior to implementation.

If ownership of the bridge (or parts thereof) is transferred to another party, the transfer deed will include preservation covenants that require the new owner to move and maintain the bridge in accordance with the “Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.” (Any proposed reuse plan and specifications will be forwarded to FHWA for review and approval in consultation with the SHPO, and the County.)

If no party is found to take possession of the existing bridge, it may be removed.

3. Within one year after carrying out the terms of the MOA, the County shall provide a written report regarding the actions taken to fulfill the terms of the agreement to all signatories.

VIII. List of Appendices **(EXAMPLE TEXT)**

- A. Location Maps and Plans for the Osage River Bridge J0719.
- B. Correspondence regarding the Osage River Bridge J0719.
- C. Photographs of the Osage River Bridge J0719