

## **Appendix L**

### **Draft Memorandum of Agreement with SHPO**

DRAFT AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICE  
REGARDING  
THE WIDENING OF M-15 BETWEEN I-75 AND I-69  
IN OAKLAND AND GENESEE COUNTIES, MICHIGAN  
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
PURSUANT TO 36 CFR PART 800.6(b)(1)

WHEREAS, the Federal Highway Administration (FHWA) of the U.S. Department of Transportation has determined that the widening of M-15 in Oakland and Genesee Counties, Michigan will have an adverse effect upon the \* \_\_\_\_\_, which have been declared eligible for listing in the National Register of Historic Places and has consulted with the Michigan 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) (the Act); and

WHEREAS, the Michigan Department of Transportation (MDOT) participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA),

NOW, THEREFORE, the FHWA and the SHPO agree that the widening of M-15 in Oakland and Genesee counties shall be implemented in accordance with the following stipulations in order to take into account the effect on historic properties.

Stipulations

**1. Documentation**

Prior to construction, MDOT will record the \* \_\_\_\_\_ properties to create a permanent record of their history and current conditions. MDOT will contact the SHPO to determine the appropriate level of documentation. MDOT will provide original copies of the documentation with photos to the SHPO and to an appropriate local archival location designated by the SHPO.

**2. Design**

MDOT shall ensure that the frontages of \* \_\_\_\_\_ are landscaped in accordance with a landscape plan designed in consultation with and approved by the SHPO and the property owners. MDOT will retain an historian meeting the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9) and trained in historic landscape analysis and design to assist in plan development.

**3. Amendment**

Any party to this MOA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.6(c)(7) to consider such an amendment.

**4. Dispute Resolution**

Should the SHPO or MDOT object within 30 (thirty) days to any actions proposed pursuant to this MOA, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within 45 (forty-five) days after receipt of all pertinent documentation, the Council will either:

- Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
- Notify the FHWA that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

Execution of this MOA and submission to the Council evidences that FHWA has afforded the Council an opportunity to comment on the widening of M-15 and its effects on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
James J. Steele, Division Administrator

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Brian Conway

Concur:

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Lou Lambert, Deputy Director, Bureau of Transportation Planning