

Wisconsin DOT Project IDs: 1500-37-00;  
1500-47-00;  
4570-12-00  
WHS# 14-0876/MN  
USH 10/WIS 42 Waldo Boulevard  
County Road R to Maritime Drive  
City of Manitowoc, Manitowoc County

## Memorandum of Agreement

BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND  
THE WISCONSIN STATE HISTORIC PRESERVATION OFFICER

Prepared pursuant to 36 CFR § 800.6(c)

Regarding

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**WHEREAS**, the Federal Highway Administration (FHWA) has been requested to participate in the project to reconstruct USH 10/WIS 42 from County Road R to Maritime Drive in the City of Manitowoc, Manitowoc County, Wisconsin; and

**WHEREAS**, the FHWA is the lead agency on this project with responsibility for completing the requirements of Section 106; and

**WHEREAS**, the FHWA has established the Project's Area of Potential Effects (APE), as defined in 36 CFR § 800.16(d), to be all areas of proposed ground disturbance and all properties, inclusive of all buildings and structures, adjacent to the project corridor; and

**WHEREAS**, the FHWA, pursuant to 36 CFR § 800.4(c), has determined that the Lincoln Boulevard Historic District; the Holy Innocents Parish Complex; the Woodrow Wilson Junior High School; the Max Alpert House; and the Elks Clubhouse are eligible for inclusion in the National Register of Historic Places; and

**WHEREAS**, the FHWA has determined that the project will have an adverse effect on the Lincoln Boulevard Historic District; the Holy Innocents Parish Complex; the Woodrow Wilson Junior High School; and the Elks Clubhouse; and

**WHEREAS**, the FHWA has determined that the project will have no adverse effect on the Max Alpert House; and

**WHEREAS**, the FHWA has consulted with the SHPO in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470 (NHPA), and its implementing regulations (36 CFR Part 800) to resolve the adverse effect of the project on historic properties; and

**WHEREAS**, the Wisconsin Department of Transportation (WisDOT) participated in the consultation and has been invited to concur in this MOA; and

**WHEREAS**, the City of Manitowoc participated in the consultation and has been invited to concur in this MOA; and

**WHEREAS**, the Manitowoc Public School District participated in the consultation and has been invited to concur in this MOA; and

**WHEREAS**, this undertaking is not on federal or tribal land as defined by the National Historic Preservation Act (NHPA); therefore, all inadvertent human remain discoveries will be addressed in accordance with Wisconsin s.s. 157.70; and

**WHEREAS**, post-review discoveries of non-human remain historic resources will be treated in accordance with 36 CFR 800.13(b); and

**NOW, THEREFORE**, the FHWA and the Wisconsin SHPO agree that, upon execution of this MOA, and upon the FHWA's decision to proceed with the Project, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the undertaking on historic properties.

## **STIPULATIONS**

The FHWA shall ensure that the following stipulations are carried out:

### **Lincoln Boulevard Historic District:**

1. PREPARE DRAFT NATIONAL REGISTER NOMINATION
  - a. Within one year of the MOA execution and before project letting, WisDOT or its agent, will complete a National Register nomination form for the Lincoln Boulevard Historic District.
  - b. Details regarding the timeline, review process, and deliverables for this stipulation are included in Attachment A.
  - c. The cost of this stipulation will be funded by WisDOT.

### **Holy Innocents Parish Complex:**

1. DETERMINATION OF ELIGIBILITY – SISTER RESOURCE
  - a. Within one year of the MOA execution and before project letting, WisDOT or its agent will complete a Determination of Eligibility, including representative property photos, for St. Andrew's Church (currently named St. Francis of Assisi Parish Grand Worship Site; 1416 Grand Avenue, City of Manitowoc), a sister resource to Holy Innocents Church.

- b. WisDOT or its agent will submit copies of the DOE and all associated materials to SHPO, labeled per SHPO standards. Standards for photographic documentation are included in Appendix D.
- c. SHPO will review the DOE and all associated materials and provide comments to WisDOT within 30 days.
- d. WisDOT will submit a final DOE, and all associated materials, within 15 days upon receipt of comments from the SHPO.
- e. WisDOT or its agent will submit one hard copy of the DOE, a CD containing one set of digital images, and one set of commercially produced prints, labeled per SHPO standards, to the Manitowoc County Historical Society.
- f. The cost of this stipulation will be funded by WisDOT.

**Woodrow Wilson Junior High School:**

1. SURVEY OF PUBLIC SCHOOLS

- a. Within one year of the MOA execution and before project letting, WisDOT or its agent will identify all extant buildings that currently and/or formerly functioned as public schools and vocational schools in the City of Manitowoc and complete three survey-quality photos of each identified property.
- d. Details regarding the survey process and deliverables for this stipulation are included in Attachment B.
- b. The cost of this stipulation will be funded by WisDOT.

2. VEGETATIVE REPLACEMENT AND SCREENING

- a. Within sixty days of the MOA execution and before project letting, WisDOT or its agent will contact the property owner to determine an appropriate tree replacement plan.
- b. The vegetative replacement and screening will be located entirely on the landowners' property and will not infringe on the existing or proposed right-of-way.
- c. The cost of this stipulation will be funded by WisDOT.

**Elks Clubhouse:**

1. PREPARE DRAFT NATIONAL REGISTER NOMINATION

- a. Within one year of the MOA execution and before project letting, WisDOT or its agent, will complete a draft National Register nomination form for the Elks Clubhouse.
- e. Details regarding the timeline, review process, and deliverables for this stipulation are included in Attachment C.
- b. The cost of this stipulation will be funded by WisDOT.

## **DISPUTE RESOLUTION**

Should any signatory to this MOA (including any invited signatory), per 36 CFR 800.6(c)(1) and (2), object in writing at any time prior to termination to any actions proposed or the manner in which the terms of this MOA are implemented, WisDOT and FHWA shall consult with such party to resolve the objection. The objection must specify how the actions or manner of implementation is counter to the goals, objectives or specific stipulation of this MOA. If FHWA determines that such objection cannot be resolved, FHWA will:

- a. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the Advisory Council on Historic Preservation (ACHP). The ACHP shall provide FHWA with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
- b. If the ACHP does not provide its advice regarding the dispute within the 30 day period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to proceeding, FHWA shall notify the parties to this MOA of its decision regarding the dispute.
- c. It is FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute.

## **AMENDMENT**

Any signatory to this agreement may propose to the agency that the agreement be amended. Whereupon the agency shall consult with the other signatory parties [including invited signatories per 36 CFR 800.6(c)1) and (2)] to this agreement to consider such an amendment. 36 CFR 800.6(c)(1) and (7) shall govern the execution of any such amendment.

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## **PROFESSIONAL QUALIFICATIONS**

WisDOT shall ensure that all historic preservation work carried out pursuant to agreement is carried out by or under the supervision of a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards in the field of architectural history, as published in 36 CFR Part 61.

## **TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

## **SUNSET CLAUSE**

This agreement shall be null and void if its terms are not carried out within five (5) years from the date of the execution, unless the signatories agree in writing to an extension of carrying out its terms. Execution of this MOA by FHWA and the Wisconsin SHPO, and implementation of its terms, evidences that FHWA has complied with Section 106 on the USH 10/WIS 42 reconstruction project, and that FHWA has taken into account the effects of the Project on historic properties.

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**SIGNATORY PARTIES:**

FEDERAL HIGHWAY ADMINISTRATION

BY: \_\_\_\_\_  
Ian Chidister,  
Environmental Program Manager, FHWA

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

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WISCONSIN STATE HISTORIC PRESERVATION OFFICER

BY: \_\_\_\_\_  
Jim Draeger, State Historic Preservation Officer

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

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**INVITED SIGNATORIES:**

WISCONSIN DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
Steve Krebs, Director, Bureau of Technical Services/  
WisDOT Historic Preservation Officer

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



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CITY OF MANITOWOC

BY: \_\_\_\_\_

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

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MANITOWOC PUBLIC SCHOOL DISTRICT

BY: \_\_\_\_\_

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

## **ATTACHMENT A**

Lincoln Boulevard Historic District

Draft National Register Nomination

- a) Within one year of the MOA execution and before project letting, WisDOT or its agent will complete a National Register nomination form and associated photographs and mapping (National Park Service form 10-900) for the Lincoln Boulevard Historic District.
- b) WisDOT or its agent will submit two hard copies of the draft nomination packet (and one electronic copy in .pdf format) to the SHPO.
- c) SHPO will be provided 30 days to review the draft nomination and provide comments to WisDOT.
- d) WisDOT submit a final draft nomination to SHPO within 15 days upon receipt of comments from SHPO.
- e) This stipulation will be considered satisfied once the final draft NR nomination is delivered to SHPO. WisDOT or its agent will not be required to complete any other parts of the NRHP listing process, including obtaining owner consent or presenting the nomination to the review board. However, SHPO or its agent may use the final draft nomination for such purposes.

## **ATTACHMENT B**

Woodrow Wilson Junior High School

Survey of Public Education Resources in Manitowoc

- a. Within one year of the MOA execution and before project letting, WisDOT or its agent will identify all extant buildings that currently and/or formerly functioned as public schools and vocational schools in the City of Manitowoc.
- b. WisDOT or its agent will complete three survey-quality photos of each identified property. One of these photos will include the principal façade; other photos may include significant building or landscape elements.
- c. For each of the properties, WisDOT or its agent will update the WHPD inventory, either by updating existing inventory records or by creating new inventory records.
- d. WisDOT or its agent will submit a brief summary memo of identified properties to SHPO, along with copies of the digital images on archival CD, formatted per SHPO standards. Two sets of commercially produced prints shall be provided to SHPO, labeled per SHPO standards. (Refer to Attachment D for standards for digital photography and prints.)
- e. WisDOT or its agent will submit copies of the digital images on archival CD and one set of commercially produced prints, labeled per SHPO standards, to the Manitowoc County Historical Society.

## **ATTACHMENT C**

Elks Clubhouse

Draft National Register Nomination

- a) Within one year of the MOA execution and before project letting, WisDOT or its agent will complete a National Register nomination form and associated photographs and mapping (National Park Service form 10-900) for the Elks Clubhouse.
- b) WisDOT or its agent will submit two hard copies of the draft nomination packet (and one electronic copy in .pdf format) to the SHPO.
- c) SHPO will be provided 30 days to review the draft nomination and provide comments to WisDOT.
- d) WisDOT submit a final draft nomination to SHPO within 15 days upon receipt of comments from SHPO.
- e) This stipulation will be considered satisfied once the final draft NR nomination is delivered to SHPO. WisDOT or its agent will not be required to complete any other parts of the NRHP listing process, including obtaining owner consent or presenting the nomination to the review board. However, SHPO, its agent, or any other interested parties may use the final draft nomination for NR listing or tax credit evaluation purposes.

## **ATTACHMENT D**

### Requirements for Standard Color Photographic Documentation

- i) Digital photographs shall meet SHPO and National Park Service (NPS) requirements.
  - (a) Images will be taken with a digital SLR camera set to the highest quality.
  - (b) Each image will be at least 2,000 pixels on the longest side or at least 300 pixels per inch.
  - (c) Image file size will exceed 3MB (uncompressed).
  - (d) Images will be saved as uncompressed JPEGs and will not be cropped, compressed, up-sampled, or otherwise digitally altered.
  - (e) Image CDs will be “closed out” and readable on multiple computers.
  - (f) Photologs will be submitted that record the description of subject, location, date of photograph, photographer, and direction of photo.
  - (g) All color prints will be labeled on the back with the date, project name, description of subject, direction of the photograph, and image file name that corresponds with the digital images and photolog.